G.R.S. 57.]

File No. 103 of 06

Serial Nos. 1— 6

maker reference
Jo71-22(1-8)

1906

GENERAL AND REVENUE SECRETARIAT.

(Courts)

Part A: Manuscript
for November 1906

Serial Nos. 1— 6

GPB—5,000—20-3-06.

G.R.S. 57.]

File No. Cts 103-06.

Serial Nos. 1-6

1906.

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

Part A: Manuscript
for

November 1906.

Serial Nos. 1-6.

From the Secretary, Retrenchment Committee Dated 6.10.06.

Forwards a memorandum on the possibilities of retrenchment in the judicial establishments of the States, as called for G.O. Fl. 7166-211 dated the 30th April 1906.

2. To The Comptroller. No J 1336 dated 19.11.06.

Requests him to forward lists showing (1) the sanctioned establishments (clerical, menial & process) of the Dt. and Sessions Court, Bangalore, the Sub Judge's Courts at Hassan & Chikkballapur, & the Munsiff's Courts at Doddballapur & Yadehalli & (2) the menial establishments of the other District Courts, the Sub Courts, the other Munsiff's Courts, the Courts of City Magistrates, Bangalore & Mysore & the H.G.F. Magistrate

GPB.—5,000—20-3-06.

3 To The Registrar; Chief Court; the Comptroller; the Govt. Advocate; D. Venkataramayya Esq., Law Reporter to the Chief Court; the Deputy Commissioners of Bangalore, Mysore and Kolar

Govt. Proceedings No 1400-1406 dated 27.11.06

Approves of the recommendations of the Retrenchment Committee on the possibilities of retrenchment in the Judicial Department of the State and requests the Registrar of the Chief Court to submit for approval drafts of the notifications required to give effect to the alterations in the jurisdiction of the Courts ordered above.

4. From the Comptroller, Mysore Govt. No $\frac{3133}{700}$ d. 3/12/06

Forwards lists of the sanctioned establishments (clerical, menial & process) of certain Courts as called for in serial No 2 above.

5. From the same officer. No $\frac{3734}{858}$ dated 4/1/07.

Requests to be informed of the date with effect from which the menial establishments in the Judicial Department are to be dispensed with & states that the G.O. may be confirmed in the Financial Branch.

G.O. No H. 5481-2/ G.F. 209-06-2 dated the 17th January 1907.

To The Comptroller & the Registrar, Chief Court.

Confirms the order (in sl 3 above) and directs that the reduction in the menial establishment will have effect from the 1st July 1907

G. R. S. 11] 1906

GENERAL AND REVENUE SECRETARIAT.

(III Courts)

NOTES.

C5 File No. 103-06

FILE HEADING.

Retrenchments in the establishments of the Judicial Department in Mysore

From

The Secretary, Retrenchment Committee

No. Dated 6.10.06 Received 10.10.06

Diary No. 1906	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

forwards a memorandum on the possibilities of retrenchment in the judicial ~~Department~~ Establishments as called for G.O. No 7166-211 dated 30th April 1906.

NOTES AND ORDERS.

Subd for orders.

F.V. 13.10.06

SR 13/10/06

2 Subd with draft. Rep forwarding

SRR

DNR

points are specially brought to notice

NOTES—First sheet.

MGCPB—30,000—17-2-07

Serial No.

(3) Orders have to be passed as to whether trials ~~before~~ of sessions cases before the Civil Court are to be by Jury or with the aid of assessors.

(4) If one of the appointments of District Judge is abolished, the remaining two appointments will carry a salary of Rs 1200 + 1000 or Rs 1000 + 700–800. There would be inconveniences in both these scales. The question of grading District Judges with Deputy Comrs — 10 appointments, 3 in the first, 4 in the second + 4 in the 3rd class is one for consideration

(5) With regard to retrenchment in Medical Establishments there are some inaccuracies in the Committee's Memorandum. From it it is suggested that ~~five~~ four pensions at Rs 6 each may be dispensed with from the Mysore District Court. ~~As a matter of fact~~ As a matter of fact the number of appointments at Rs 6 is only 3. The requisite retrenchment has therefore to be made in other grades. The same remark applies to the Civil Courts. I have put in the figures according to the sanctioned scale of the several Courts. It is probable that ~~some~~ a few more

NOTE—Contn. sheet

G.R.S. 12]

General and Revenue Secretariat.

No. File No. 103 of 1906

Serial No.

Some corrections may be necessary in the figures, but these can be made before the addresses. K. Matthan 22.1006

P.S. The Committee's memorandum does not say how the process establishments Estts. of Dobelle per and Jedeballi are to be disposed. But I have dealt with this in the draft above K. Matthan 29/10

Note—Contn. sheet

MGCPB—50,000—24-7-05

2600
27-10-0

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

C 1667

4

GENERAL AND REVENUE SECRETARIAT.

Subject— Proposals of the Retrenchment Committee in rega to possible retrenchments in the Judicial Department.

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat	10-10-06	
Submitted to Secretary	22-10-06	
Submitted by Secretary to Dewan or Councillor in charge	—	
Returned to Secretary	—	
Circulated by Secretary for Council ...	—	
Forwarded by Councillor	—	
Forwarded by Councillor	—	
Received in Secretariat	—	
Considered in Council	22-10-06	HMM
Submitted to the Dewan	31-10-06	
Submitted to His Highness	3-11-06	
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor ...		
Returned to Secretary by Councillor...		

GPB—1,000—31-3-06.

Extract from the Proceedings of the 152nd *Meeting of the Council of His Highness the Maharaja, held at* Bangalore *on the* 22nd October *1906*..

IX. Subject. (Clauses viii & x).

Proposals of the Retrenchment Committee in regard to possible retrenchments in the Judicial Department.

Opinion.

7 The proposals made by the Retrenchment Committee are briefly as follows :-

(1) The abolition of the District and Sessions Judge's Court at Bangalore and the re-investment of the Chief Court with original Civil and Criminal jurisdiction over the Bangalore Division.

(2) The abolition of the two Subordinate Judges' Courts at Chikmaglur and Hassan and the re-establishment of Munsiffs' Courts instead.

(3) The abolition of the Munsiffs' Courts at Yedehalli and Doddaballapur and of the temporary second Additional Munsiffs' Courts at Bangalore and Mysore.

(4) The abolition of the appointment of a separate Law Reporter.

(5 The reduction of menial establishments in all th Courts.

(6) The reduction of the contingent allotment of the office of the Government Advocate.

(7) The abolition of local allowance to the Distri

Judge of Shimoga.

8. The Council considers that the number and location of the several classes of Civil Courts in Mysore require revision in certain particulars in the light of past experience, of public convenience and of the financial position. Experience has shown that the number of courts is capable of some reduction. An examination of the figures showing receipts from, and expenditure on, judicial tribunals in Mysore during the past decade shows that the ratio of increase in expenditure has been much greater than that of the increase of revenue. It is also found that while there has been excessive increase in expenditure, the amount of work done has not materially increased, and is proportionately lighter than that in Madras and elsewhere. In fixing the number of courts, the principal consideration to be borne in mind is the cutting down of expenditure to the minimum compatible with the efficiency of judicial administration, due regard being had also to the convenience of the public. The proposals of the Retrenchment Committee have mainly this end in view, and may therefore be adopted.

9. The District and Sessions Court at Bangalore with all its establishment (except the establishment in charge of records) may be abolished with effect from the 1st July 1907, and the Chief Court given original civil and criminal jurisdiction over the Bangalore, Kolar and Tumkur Districts. Simultaneously with this, unlimited civil jurisdiction may be conferred on the Sub Judge of Bangalore who may also be appointed Assistant Sessions Judge for the Bangalore Division, and the circuit system of sessions may be abolished in the Bangalore Division.

The above proposal has been accepted by the Chief Court, both Mr. Justice Staley, the retired Chief Judge, a

Mr. Justice Moore, the present Chief Judge, who have considerable experience of the working of the judiciary in British India, being strongly in favour of the measure.

10. Other proposals made by the Chief Court and recommended by the Retrenchment Committee to give greater relief to the Chief Court and lighten the work of all the courts, viz., the amendment of the Civil Courts Regulation so as to enable Government to confer increased small cause jurisdiction on Munsiffs of some standing in the service, and the repeal or amendment of section 584 (d) of the Civil Procedure Code in regard to second appeals as to questions of fact, will be investigated in the Legislative Department.

11. The Subordinate Judges' Courts at Chikmaglur and Hassan and the Munsiffs' Courts at Yedehalli and Doddaballapur may be abolished from the 1st July 1907. The 2nd Additional Munsiffs' Courts at Bangalore and Mysore have already been ordered to be closed. In place of the two Sub Courts to be abolished, Munsiffs' Courts may be established at Hassan and Chikmagalur, the former with jurisdiction over the Taluks over which the jurisdiction of the present Sub Court extends, and the latter with jurisdiction over the whole of the Kadur District, except the Yedehalli Sub Taluk to be assigned to the Munsiff of Shimoga. On account of the abolition of the Doddaballapur Munsiffs' Court, the Nelamangala Taluk may be added to the jurisdiction of the Principal Munsiff of Bangalore, the Doddaballapur and Devanhalli Taluks to that of the Munsiff of Chikballapur and the Goribidnur Taluk (with the exception of the Manchenahalli Hobli, which is under the jurisdiction of the Chikballapur Court) to that of the Munsiff of Maddagiri.

12. The appointment of a separate Law Reporter being unnecessary, it may be abolished with effect from 1st January 1907, The permanent establishment of the Chief Court under

the supervision of the Registrar will hereafter perform the duties of law-reporting and report the cases marked by the Judges for the purpose.

13. A reduction in the menial establishments of all the Courts is considered possible. Eight menial servants in the Chief Court, 5 peons in each of the remaining District Courts, 3 peons in each of the remaining Sub Courts, 2 peons in each of the remaining Munsiffs' Courts, 2 peons in each of the Courts of the City Magistrates and 1 peon in the Court of the Special Magistrate, Kolar Gold Fields, may be dispensed with. The Committee propose to consider the question of further reducing the menial establishment of the Chief Court in connection with the general question of reducing the menial establishments of all Head Quarter Offices. These proposals may be awaited.

14. The contingent allotment of the office of the Government Advocate may be reduced from 400 to 200 Rs. from the year 1907-08.

15. The local allowance of Rs.150 to the District Judge at Shimoga may also be abolished with effect from the transfer of the present incumbent.

16. The approximate financial results of the above retrenchments are shown below :-

Court.	Rupees.
1. Reduction of menial establishment. (4 x 8 + 4 x 7) x 12.	720.
2. Abolition of a separate Law Reporter.(Rs.150x12).	1,800.
3. Reduction in the contingent allotment of the Government Advocate.	200.
Total I.	2,720.

	Rupees.
II. District Courts.	
1. Bangalore.	
(a) Average pay of District Judge.	12,000.
(b) Establishment (Clerical and menial but exclusive of records). Rs.536 x 12.	6,432.
2. Mysore & Shimoga.	
Menial Establishments. (4 x 8 + 4 x 7 + 2 x 6) x 12.	864.
Total II.	19,296.
III. Sub Courts.	
1. Average pay of 2 Sub Judges. 2 x 450 x 12.	10,800.
2. Establishments of Sub Courts.	8,076.
3. Reduction in menial establishments of the other 3 Sub Courts. 3 x (2 x 7 + 1 x 6) x 12.	720.
Total III.	19,596.
IV. Munsiff' Courts.	
1. Abolition of 2 temporary Courts at Bangalore and Mysore.	
Minimum pay of two Munsiffs. 2 x 200 x 12.	4,800.
(Note. The two Munsiffs' Courts at Doddaballapur and Yedehalli, and their establishments may for purposes of calculations be considered to be transferred to Chikmagalur and Hassan.)	
2. Reduction of the menial establishment of 17 Munsiffs' Courts by 2 peons each. (7 + 6) x 17 x 12.	2,652.
3. Deputy Nazirs at Yedehalli and Doddaballapur. 2 x 20 x 12.	480.
Total Iv.	7,932.
V. Local allowance to District Judge of Shimoga.	1,800.
VI. Menial establishments of 2 City Magistrates and Kolar Gold Fields Magistrate. (4 x 7 + 2 x 6 + 1 x 8) x 12.	548.
Total I to VI.	51,092.

Submitted to His Highness.

18 The accompanying papers relate to the proposals of the Retrenchment Committee in regard to reductions in the Judicial Department of the State. They were fully discussed in Council and the appended extract of Council proceedings contains the opinions of the Council in the matter.

19 The proposed retrenchments result in a net saving of about ₹51,000 per annum.

20 The recommendations made by the Council may be approved.

V. P. Madhava Rao

21/1/1906

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

3.11.06
384

Proposals of the Retrenchment Committee in regard to possible retrenchments in the Judicial Department.

397

Order.

21 Approved
KRW
6/11/06

22 Devans order
Please move
Bo
C S Balasundaram Iyer
9/11/06

23 Submitted K S Chandrasekhara Iyer
10/11/06

G.R.S. 12]
General and Revenue Secretariat.

CS File No. 103 of 1906.

Serial No.

24 We have no accurate information regarding the establishments in ~~Civil~~ the Courts.

25 Please request the Comptroller to furnish ~~to furnish~~ (1) Earl a list showing the sanctioned Estts of the District and Sessions Court, Bangalore, the Sub-Judge's Court at Hassan & Chikmagalur, & the Munsiff's Courts at Doddaballapur, Yedehalli & (2) the Menial Estts of the other District Courts, the other Sub-Courts, the other Munsiff's Courts, the Courts of City Magts, Kgmr & Bangalore & the Kolar Gold Fields Magte

K. Matthankar
14-11-06

CS
14.11.06

26 Submitted with a draft to the Comptroller.

KO SW
14.11.06 15/11/06

27 Issue
K. Matthan
15/11

28 The draft-cards have been sent with a memorandum to the Comptroller calling for the delayed Demi-official & the draft-cards ~~in reply~~ & Mss books. (Any remarks in future regarding must be made in the D.O.)

15/11/06

Note—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12J

General and Revenue Secretariat.

C.S. File No. 103 of 1906

Serial No.	
2.	To the Comptroller No. J 1336 dy 19-11-06. Requests him to forward lists shewing the (1) Sanctioned Estts. (clerical, menial & Process) of the Dt. & Sessions Court Bangalore, the Sub Judges' Courts at Hassan & Chikmagalur the Munsiffs' Courts at Doddaballapur & Yelahanka & (2) the menial Estts of the Dt Courts, the Sub-Courts, the other Munsiffs Courts, the Courts of City Magistrates Bangalore & Mysore, & the H.C.F. Magis
3.	To the Registrar, Chief Court, the Comptroller, Govt. Advocate, D. Venkataramiah Esq Law Reporter to the Chief Court, the Dy Comms of Bangalore, Mysore & Kolar No. J 1400–1406 dy 27-11-06. Approves of the recommendations of the Retrenchment Committee as to the possibi of retrenchment in the Judicial Dept. of the State and requests the Registrar of the Chief Court to submit for approval drafts of the Notifications required to give effect to the alterations in the Jurisdiction of the Courts ordered above.
J 1320 4	From the Comptroller Mysore Govt. No. 3133/700 dy forwards lists of the Sanctioned Estts. Cleric Menial & Process, of the Courts called for in Subd Proofs of the orders have not been rec'd

Note—Contn. sheet

No. 5/12-06. SW 5/11-06. 4,000—23-10-05

Returnit with the proofs

Contd

G.R.S. 12]
General and Revenue Secretariat.

CS File No. 103 of 1906

Serial No.

1 (J.1344 | Supdt Govt Press. No 328 & 6.12—06.
Forward 1 copy of proceedings
No J 1400-1406/CTO 103-06-3 & 27.11—06
with a request that it may be checked thereon
with "Print" order noted thereon.

Compared at Stn 7/12/06

29 Dec
The file is resubmitted with the proof received as directed
8/12/06 8/12/06

30 Sent to the Secretary Retrenchment Committee
K Matthan Lee
10/12

31 Returned as desired
The financial results do not appear to exactly agree with what is decided in para 7 of the Govt order - in regard to menial establishments -
B Srinivasa Iyengar 15
11/12.

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue Secretariat.

File No. 103 of 1906

Serial No.

32) The Secretary to the Council desires that, in the Order about judicial retrenchments, the number of Peons to be ~~dismissed~~ in each District be reduced from 5 to 3, as otherwise the remaining men establishment would be insufficient. As above alluded, the establishment would consist

1 Daffedar on Rs 10
2 Peons on Rs 7
2 Peons on Rs 6
1 Lascar on Rs 7
1 Sweeper on Rs 5
1 Jamadar on Rs 5.

Please alter the Order (now in proof) as above

33) The retrenchments are to be given effect from 1st July and not 1st January (sic). Please ~~inform~~ the D.O & have hurry to ~~me~~ V Rajavardya, Dy Secy

K. S. Chandrasekhara Iyer 11/12/06

34 The proof as revised may issue

11/12

35 Issued

11/12/06

Note—Contn. sheet

GPB—50,000—23 10-05

G.R.S. 121

General and Revenue Secretariat.

File No. 103 of 1906

J 1605

Serial No. 5 — From the Comptroller: no 3734/858 dated 4.1.07, Requests to be informed of the date with effect from which the menial establishments in the Judicial Deptt are to be dispensed with and state that the G.O. may be confirmed in the — Submd for orders.

36 A D.O. has been written to the Registrar, Chief Court on 11.12.06 asking him to postpone giving effect to the reduction of the menial estts in the Deptt to the 1st July 1907. May the Comptroller be informed of the same in the Confirmed form to be issued from Branch II, to which the file will be transferred.

K.N. 5.1.07

J.K.S. 5/1/07 37 May we forward a copy of the D° of 11/12/06 sent to the Registrar of the Chief Court to the Comptroller for information? T. Thumboo Chetty. 8/1/07

38. In the order of confirmation the date may be specified. K.S. Chandrasekhara Aiyer 10-1-07

39 The Comptroller's letter of the 4th January 07 has been dealt with in Br II & this file is returned to Br III. Branch III 23/1/07

Note—Contn. sheet

MGCPB—50,000—24-7-05

G.R.S. 127

General and Revenue Secretariat. | File No. | of 190

18

Serial No.	
6.	G.O. No. H. 5481-2 / Gl Finance 209-06-2 dated the 17th January 1907 To the Comptroller & the Registrar of the Chief Court. Confirms the order and directs that the reduction in the menial establishment will have effect from the 1st ~~June~~

NOTE—Contn. sheet

MGCPB—50,000—24-7-05

G.R.S. 12]
General and Revenue Secretariat.

Misc No.198 J 906 CS 103 906, RI

CS File No. 103 of 1906-RI

Serial No.

Memorandum on the possibilities of retrenchment in the Judicial establishments called for in Government Order No. Fl 7166-211 dated 30th April 1906.

1). Committee's letter No.5 with one enclosure & statements, d/ 25-7-1906.
2). Chief Court Registrar's letter No.849 with enclosures d/ 7-8-1906.
Ditto 1641-90 d/ 21-9-1906.
3). Govt Advocate's letter d/ 16-8-1906.
4). Mr.Rangaswami Iyengar's letter No.71 with 4 enclosures d/ 30-8-1906.
5) Chief Court Registrar's No 1641/90 dated 21/9/06.

The Committee's preliminary proposals and the letters containing the views of the several Judges of the Chief Court and of Mr.Rangaswami Iyengar, a former Judge, are herewith forwarded in original. These proceedings explain in sufficient detail the arguments for and against the several proposals put forward.

2. After careful consideration, the Committee have resolved to recommend to Government the following proposals involving a decrease in recurring expenditure of about Rs. 45,000 per annum.

Chief Court and District Court.

(1) Abolition of the District and Sessions Judge's Court at Bangalore and re-investment of the Chief Court with original civil and criminal jurisdiction of the Bangalore Division.

The opinion of the several authorities consulted is almost unanimous on this point. Even Mr.Justice Nanjundayya, who appears to be somewhat otherwise inclined, is prepared for the abolition of the Sub Court at Bangalore instead of the District Court. The Committee recommend the abolition of the District Court with effect from such early date as the Government may choose to fix. In doing so, they would lay special stress on the fact that this Court has, during recent years, been so many times abolished and again re-established that any further change, which has no finality about it, will still further disturb the public min

NOTE—Contn. sheet

GPB—50,000--23 10-05

Serial No.

which has been already unsettled on account of these changes more than once. The changes that are proposed to be made in consequence of this measure to relieve possible congestion of work in the Chief Court are:-

(a) The conferring of unlimited civil jurisdiction and of Assistant Sessions Judge's powers on the Sub Judge at Bangalore, who should be an experienced judicial officer of the first grade.

(b) The abolition of the circuit system of sessions in the Bangalore Division, which is admittedly more costly than the other course.

(c) A slight amendment to the Civil Court Regulation, Section 16, empowering Government to confer small cause jurisdiction up to Rs.100 on Munsiffs of say 5 or 10 years' standing, and in special cases up to Rs.200, as suggested by Mr.Justice Krishna Rao.

(2) Abolition of a separate Law Reporter, the Registrar or the Deputy Registrar doing the duties thereof and reporting the cases marked by the Judges for the purpose, as suggested by the Chief Court.

This proposal may be postponed till after the present incumbent vacates office or to the expiry of some say 6 months' notice to him. There is no reason why judgements of the Chief Court may not be published as supplements to the Gazette from time to time, leaving it to private enterprise to collate and digest them.

(3) Reduction in the ordinary allotment for contingent expenditure of the Government Advocate under furniture, books etc., from Rs.400 to Rs.200 per annum with effect from 1st July 1907.

GPB—50,000--23 10·05

G.R.S. 12]

General and Revenue Secretariat. | File No. of 190

	Serial No.	
Sub Courts.		3. Abolition of the two Sub Judges' Courts at Hassan and Chikmagalur and re-establishment of two Munsiffs' Courts instead with effect from January 1907 or such early date as the Government may choose to fix.

Mr.Rangaswami Iyengar is in favour of their continuance and suggests that the Sub Judges at those places may be invested with ~~First~~ Class Magisterial powers, when, he says, it might be possible to abolish ~~the~~ one Revenue Assistant Commissioner in each of the two Districts. As, at present, there are, besides the Treasury Assistant Commissioner, only one Assistant Commissioner in the Kadur District and two in Hassan to help the Deputy Commissioners, the Committee are not in favour of Mr.Rangaswami Iyengar's suggestion as it would unduly weaken the hands of the Deputy Commissioner in the Revenue Department. Moreover, it is doubtful if the civil judicial officer at Chikmagalur will be available for criminal work after the proposed abolition of the Yedehalli Munsiff's Court is brought into effect. The Committee, therefore, agree with the Chief Court in recommending the re-conversion of the two Sub Courts into Munsiffs' Courts with the necessary changes in their establishment.

This proposal may take effect from the commencement of the next calendar year or such early date as the Government may choose to fix.

Munsiffs' Courts.

4. (1) Abolition of the two temporary Munsiffs Courts at Bangalore and Mysore, whose term under present orders is to expire at the end of the calendar year 1906.

(2) Abolition of the Munsiffs Courts at (i) Yedehalli and (ii) Doddaballapur.

NOTE—Contn. sheet

B—50,000—23 10-05

G.R.S. 12]

General and Revenue Secretariat. | File No. of 190

Serial No.

Yedehalli Taluk to Shimoga Munsiff. Koppa and Tarikere Taluks to Chikmagalur.

In regard to the abolition of the Yedehalli Court and the proposed redistribution of Taluks (vide margin), there is a consensus of opinion.

As regards the second proposal, Mr. Rangaswami Iyengar is in favour of having three Munsiffs' Courts in the Bangalore Division, of locating the Doddaballapur Court at Closepet, and of abolishing the Maddagiri Court instead. The Committee are not prepared to accept the abolition of the Maddagiri Court in consideration of the inconvenience to the people of the Pavagada Taluk on the score of distance and of the increase of work to the Tumkur Munsiff that would be caused thereby.

Since the Chief Court is of opinion that the Bangalore Principal Munsiff has not sufficient work at present and that the enhancement of small cause powers of Munsiffs of Rs.50 to 100 will enable speedier disposal of cases, the Committee are in entire accord with the Judges and recommend the abolition of the Doddaballapur Court, with the redistribution of jurisdiction as proposed by them (vide margin). The Maddagiri Court may, as strengthened by the proposed changes remain for the present, and the Munsiff's services can, as heretofore, be utilised to dispose of arrears in other Courts whenever necessary.

(3) As regards the Munsiffs' Courts at Kolar and Kolar Gold Fields, it occurred to the Committee to inquire whether one of them could be reduced by shifting the other to Bowringpet. Statistics of the volume of work devolving on these Courts and other

* Nelamangala to Bangalore Principal Munsiff, Doddaballapur and Devanhalli to Chickballapur, Gauribidnur (with the exception of Manchenahalli Hobli) to Maddagiri.

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

considerations pointed to the expediency of this measure; and the Chief Court have approved of it, Mr. Justice Nanjundayya somewhat dissenting. Mr.Rangaswami Iyengar is also opposed to the measure for the reasons which he has very briefly stated in his note. The interests affected by the change contemplated , though few, are intense. The First Councillor would prefer to leave the present Munsiff's Court at Kolar undisturbed, to abolish the Munsiff's Court at the Gold Fields and to devolve the entire work of this Court (with adequate small cause powers) on the Special Magistrate now there, who in this way would combine the civil and criminal functions as in what is commonly known as a non-Regulation Province and would have sufficient official occupation which is now lacking.

On the other hand, the Second Councillor would leave both the Munsiffs' Courts at Kolar and Kolar Gold Fields undisturbed at present, for the following reasons :-

The Munsiff at the Fields is not merely a civil judicial officer but has also magisterial work to do. The Court was specially constituted in 1903 to meet the requirements of the Gold mining area, when it was found that the Special Magistrate at the Fields could not, owing to his diverse duties, satisfactorily cope with the civil work. The abolition of the Munsiff's Court will inconvenience the mining industry as the majority of the parties and witnesses belong to the mining area. Moreover, the Special Magistrate has no experience of civil work and the proposed combination may not give satisfaction to the public. On the other hand, it may be possible to give the Special Magistrate

GPB—50,000—23 10-05

Serial No.

the revenue jurisdiction of the Bowringpet Taluk and to abolish one of the Assistant Commissioners in the Kolar District instead.

As differences of opinion have arisen between the Councillors and the Chief Court in regard to the abolition of the Munsiff's Court at Kolar Gold Fields, no account is taken of the saving that would accrue to the State in that connection in calculating the total amount of ~~xxxxxxxxxxxx~~ retrenchment proposed by the Committee in para 9 infra.

Local allowances.

5. The Committee have noted that the local allowance of the Shimoga District Judge has been, by implication, abolished by the recent order re-organising the Civil Service in Mysore, while those of the Deputy Commissioners at Shimoga and Kadur have been continued. They are of opinion that the local allowanceeof the two Deputy Commissioners also should be abolished for the same reason, the allowance, if to be abolished, ceasing with each new incumbent as he enters upon the duties of the Malnad charge.

Menial establishment.

6. Lastly, with reference to the menial establishment the Committee have resolved to make the following recommendations :-

In regard to the establishment of the Chief Court they, for the present, accept the reduction of only 8 peons instead of 12, specially in view of the fact that the Chief Court will have hereafter original Civil and Criminal jurisdiction as well. The possibility of any further reduction can be considered, if necessary, along with the revision of the menial establishment of all head-quarter offices.

The Committee are prepared to fix the menial

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

establishments of the District and Subordinate Judge's and Munsiff's Courts , and also the Courts of the City Magistrate and the Kolar Gold Fields Special Magistrate, on the scale which obtains in the Madras Presidency in the corresponding Courts. The Committee recommend the following reductions :-

2	Existing District Courts, 5 peons each,	10
3	" Sub-Courts, 3 peons each,	9
15	" Munsiffs' Courts, 2 each,	30
2	City Magistrates, 2 each,	4
1	Kolar Gold Fields Special Magistrate, one,	1
	Total number of peons.	54

7. Under the circumstances represented by the Chief Court, the Retrenchment Committee are not prepared to propose either the abolition of the post of the Deputy Registrar or any reduction in the establishment of the Government Advocate.

8. The following suggestions made by the Chief Court, as calculated to ensure speedier disposal of business, to improve the work of Civil Courts or to give relief to Courts having heavy file, may be dealt with in the Legislative and Judicial Department of the Secretariat

(i) Section 584 (d), ~~Criminal~~ Civil Procedure Code, allowing a second appeal on questions of fact, in some cases, should be repealed, or the provision limited to appeals of the value of Rs.500 and over.

(ii) Amendment of Section 586, Civil Procedure Code, so as to raise the limit of second appeals in S.C.C. suits to Rs.500 or Rs.300 from Rs.50.

NOTE—Contn. shee

GPB—50,000—23 10-05

Serial No.

(iii) The Chief Court Judges should ordinarily be responsible for inspecting the District Magistartes' and all Civil Courts of the Bangalore Division, and the District and Sessions Judges Courts of Mysore and Shimoga; the latter should ordinarily be responsible for inspecting the Subordinate Civil Courts and District Magistrates' Courts of their Divisions,and the District Magistrates, the Criminal Courts subordinate to them.

(iv) Transmission of calendars should be limited to cases in which the accused has been sent up for trial or convicted of offences punishable with three years' imprisonment and upwards or in which death has resulted to any person in the course of the transaction with which the alleged offence is connected.

9. The annual saving that would accrue to the State if the several proposals above recommended are accepted will be as follows :-

	Minimum saving. Rs.
I. Chief Court.	
(a) Reduction of menial establishment: 4 on (8) ₹ 4 on (7) ₹ 60 X 12	720.
(b) Abolition of a separate Law Reporter (150 X 12)	1,800.
(c) Reduction in the contingent allotment of Government Advocate.	200.
	Rs. 2,720.

GPB—50,000--23 10-05

Serial No.		Rs
	II. District Court.	
	(a) Abolition of the District Court at Bangalore.	
536/12	District Judge 8,400 ⎫ Establishment 7,000 ⎭	15,400.
	(b) Reduction of menial establishment at Bangalore and Mysore. 10 X (6) X 12	720.
		16,120.
	III. Sub Judges' Courts.	
	(a) Abolition of Sub Courts at Hassan and Chikmagalur. 2 x (Sub Judge's pay Rs.400 minus Munsiff's pay 200) 200 X 2 X 12.	4,800.
	Establishment. 2 Sheristadars (60) X 2 ⎫ 2 Head Munshis (40) X 2 ⎪ Peons (6) X 8 ⎭ 248 X 12----------	2,976.
	(b) Reduction in the menial establishment of the other Sub Judges' Courts by 3 each. Peons (6) X 9 X 12	648
		8,424.
	IV. Munsiffs' Courts.	
	(a) Abolition of two temporary Munsiffs' Courts at Bangalore and Mysore. Pay of officers.(150) X 2 X 12.	3,600.
	(b) Abolition of Yedehalli and Doddaballapur Courts. Pay of officers.(200) X 2 X 12 ⎫ Establishment 2,400 X 2 ⎭	9,600.
	(c) Reduction of the menial establishment of the remaining 15 Munsiffs' Courts by 2 for each Court, 15 x 2 x (6) x 12.	2,160.
		15,360.
	V. Local allowance. Of the Shimoga District Judge. (150) X 12.	1,800.
	VI. Menial establishment.	
	Of the City Magistrate's Court at Mysore and Bangalore and of the Kolar Gold Fields Magistrate.	420.
		44,844.

10. The proposed reduction may be analysed as follows :-

GPB—50,000—23 10-05

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

Rs

Under permanent and pensionable establishment.	37,444.
Under temporary establishment and allowances	7,400.
	44,844.

By the adoption of the above proposals, 3 officers, 34 officials and 88 menials will have to be otherwise provided for or discharged on pensions or gratuities according as the case may be.

(a) 1 District Judge.
2 Sub Judges.

3.

(b) In regard to the clerical establishment to be reduced, the classification is as follows :-

Bangalore District Court.	14 hands including one Sheristadar.
2 Sub Courts at Hassan and Chikmagalur.	2 Sheristadars and 2 Head Munshis.
2 Munsiffs' Courts at Yedehalli & Doddaballapur.	16 hands including 2 Head Munshis.
	34.

(c) The distribution of the menial establishment to be reduced will be as follows :-

Bangalore District Court.	14
Mysore & Shimoga Districts -Do-	10.
Sub Courts at Hassan & Chikmagalur.	8
Sub Courts at Bangalore, Mysore and Shimoga, 3 each.	9
Munsiffs' Courts at Doddaballapur, Yedehalli & Kolar Gold Fields.	12
At other remaining Munsiffs' Courts (15) 2 each.	30
City Magistrates at Mysore and Bangalore.	4
Kolar Gold Fields Special Magistrate's Court.	1.
	88

First Councillor.

Second Councillor.

Forwarded

Note—Contn. sheet

GPB—50,000—23 10-05

Comps 4/10/06

G.R.S. 12]

General and Revenue Secretariat. | File No. of 190

Serial No.	
1. Letter No. 1737/96 dt 1st Octr 06 from the Registrar C.C. forwarding Mr. Justice Nanjundayya's note of 20-9-06.	Forwarded unofficially to the Secretary to Government, General and Revenue Departments with the marginally noted papers once received. B Seetharama Iyengar. Secretary, 6-10-06 Retrenchment Committee. Compare with G.I. 96
2. Copy of letter No. 106 from the Deputy Commr. Kolar to the Chief Court Registrar re the abolition of the Munsiff's Court at K.G. Fields.	

Note—Contn. sheet

GPB—50,000—23.10-05

Confidential.

12

No. 5

Enclosures - 1 with Statements -

R. 27

Bangalore,
23rd July 1906.
28.

From,

The Secretary,
Retrenchment Committee,
Bangalore.

To,

The Registrar,
Chief Court of Mysore,
Bangalore.

Sir,

With reference to correspondence ending with your letter No. 3696/144 dated 8th November 1905 to the Secretary to Government, General and Revenue Departments, I am directed to forward for the information of the ~~Hon'ble~~ Judges of the Chief Court an official note and statistics a ~~memorandum~~ in regard to the possibilities of reduction in the present cost of the Judicial establishment in Mysore. The growth of these establishments during the last decade has been observed as already stated to be inordinately high, when compared with the revenue and receipt under court fee stamps and Law and Justice, even if due allowances, as pointed out by the Judges in your letter under advertence, be made, whereas in British India 'the revenue from fees has grown faster than the expenses of the Courts'

2. Reserving for separate discussion the large increase of about Rs.70,000 during the decade in the share of Land Revenue charges debitable to the head '16 A. Law & Justice - Courts of Law', the Committee have for the present decided, that, as a preliminary step, the cost of civil tribunals alone may, without sacrifice of efficiency, be reduced by about Rs.39,000 per annum with a corresponding benefit to the Finances of the State. It being assumed that some appreciable reduction in the recurring expenditure of the Judicial Department is considered

considered imminent and necessary in the interests of general service, the Committee will be highly thankful if the Judges of the Chief Court will kindly bestow their early and careful consideration in regard to the ~~adoption of~~ feasibility of the suggestions detailed in the accompanying note, advise them with their valuable opinions in regard to ~~its advisability~~ them and suggest any other ways and means for effecting suitable retrenchment in the cost of the judicial establishment.

3. If, to arrive at a correct and satisfactory decision, a conference with the ~~Hon'ble~~ Judges is considered necessary, the Committee will be glad to discuss with them on the several points, on a convenient date.

I have the honor to be

Sir,

Your most obedient servant,

Secretary.

Note on 'Law and Justice' - Courts of Law.

Comptroller's Note.

In paras 36 to 38 of his review the Comptroller makes certain observations in regard to the small receipts and heavy expenditure under this head. The receipts, consisting chiefly of 'general fees, fines &c' he says, show signs of shrinkage during the decade from 58,000 in 1894-95 to 50,000 in 1903-4. Compared with the population, the receipts are stated to be lowest in Mysore as against those in British provinces viz, Berar, Assam and Central Provinces. He suggests that the probable explanation of this state of things is either the peaceful character of the people or a more lenient administration of Justice. If the former explanation, as it appears from statistical returns (vide statement No.2), be true he argues, that that circumstance should justify a comparatively smaller expenditure on Judicial establishments than in other Provinces and that the total cost should be very much less than 9 lakhs per annum. Then again there having been no increase of revenue from court fee stamps corresponding to the increase in the charges for Civil Justice alone (viz from 3,80 ths to 4 30 ths) during the decade, the Comptroller infers that the heavy cost of Rs.167 per 1000 of the population is mainly due to the liberal provision for establishments generally and the proportionately smaller outturn of work as compared with establishments trained under direct British supervision.

2. Chief Court's letter.

The opinion of the Chief Court was invited on the above observations of the Comptroller. Differing from him in his conclusions they state as follows:-

i. Two statements, - one, showing the receipts and charges of Civil and Criminal Courts in Mysore from 94-95 to 1904-5, and another showing the number of tribunals, the total

15

total receipts and charges of judicial establishment in Madras for the two years 1902-3- and 1903, - are furnished by them.

They say that the receipts of Civil Courts in Mysore have always been in excess of expenditure except during 1903-4 and 1904-5, the fall in these two years being attributed to general slackness of all business owing to the plague and decline of the coffee industry. The slight increase of expenditure noticed by the Comptroller from about 8 lakhs in the beginning of the decade to more than 9 in 1903-4 is stated to be due partly to the establishment of new Sub Courts &c, and general revision of Revenue establishments entailing additional expenditure.

ii. Comparing Mysore with Madras, (on which our Subordinate Judicial establishment is more or less modelled), they admit that the cost here is propertionately heavy ~~large~~ and assign therefor the following reasons:-

(a) That a moiety of the pay of the Revenue Officers exercising the powers of a Magistrate is debited to Law and Justice here, as against only 1/5th in Madras.

(b). That in consideration of the relative density - 189 to 263 to the square mile it is more expensive here to bring all persons within reasonable distance of a Court,

(c) That in Madras Village Munsiffs and Punchayets settle petty civil cases without cost to Government,

(d) That the institution of Honorary Magistrates summary procedure, and other vigorous measures, which differ from our procedure, help towards the disposal of more work than it would be otherwise possible to do.

3. They therefore conclude that the average expenditure in Mysore, which, according to them, is calculated to be one rupee per annum for every 7.3 persons here as against 7.7 persons in Madras, is not unreasonable under the existing circumstances, - that unless certain vigorous

measures

15

measures in force in British India are adopted here as well, false and frivolous suits and complaints cannot be prevented, and that the tribunals cannot be expected to do more work than at present &c.

-.-.-.-.-.-.-.

4. The opinion of the Hon'ble Judges of the Chief Court should, it need hardly be stated here, receive the highest consideration. But the statement of receipts and charges, furnished by them, and on which some of their conclusions are based are compiled from the figures in their Annual Administration Reports on Civil and Criminal Justice, which it is presumed, have not been agreed with those in the books of the Comptroller. In regard to charges both the administration and account figures should exactly agree or the differences between them should be explained, while in regard to the receipts which are based on different data the agreement cannot be expected to be so exact. For it may happen, as generally is the case, a court fee purchased in one year may be utilized for filing a suit in the next year and so on, - in which case, the value of the stamp paper appears as receipts in the books of the Comptroller for one year, while in the Court stamp register and the administrative returns it does in the next year. In British India and in Madras specially either the administrative figures are reconciled or agreed with those furnished by the Accountant General, or the figures supplied by the latter are, after check with departmental returns, taken as basis for administrative reports. In Mysore the figures given in the annual returns of District and Sessions Judges or District Magistrates are consdlidated and taken into the annual administration reports, and no attempt appears to be made for the agreement of the figures of receipts or even of expenditure so consolidated. But some attempt at reconciliation of both these sets of figures so far as Civil Courts are concerned may be made, for in the statement furnished by the Chief Court the receipts and charges of process establishment do not appear

o have been included, - and if this difference is eliminated oth sets of figures may be taken as fairly accurate for the resent purpose. As regards the charges of Criminal Courts, it ill be seen that the figures given in the statement of the hief Court is roughly speaking about a lakh less than the corresponding ones of the Comptroller's and it will rather e a laborious task to attempt at the said reconciliation at his stage.

However it will be observed that, both according to the eceipts and charges furnished by the Chief Court and those recorded under court fee stamps, and Law and Justice in the books of the Comptroller the expenditure under Civil justice during the decade has overgrown the revenue increase as noted below -

Chief Court.		Receipts & charges of Civil Courts in 000.	
	1894-95.	3,45	3,41
	1904-05.	3,82	3,94

Comptroller.		Court fee stamps.	Civil Justice.
	1894-95.	410:	379:-
	1904-05.	430;	427:

As regards the total charges recorded under 'Law & Justice' Courts of Law'- Civil and Criminal, it is safer for obvious reasons, to rely on the figures given by the Comptroller and there seems no doubt therefore of the fact that the increase in the cost of Judicial establishment,, Civil as well as Criminal (from 8 lakhs to more than 9 lakhs) is incommensurate with that of the total receipts under court fee stamps and that the cause of the decline under receipts under Law and Justice in spite of the increase in population and the number of Criminal Courts should be early investigated.

5. On the other hand the arguments advanced by t h e

Chief

18

Chief Court in explanation of the comparatively heavy cost of Judicial establishment namely one rupee for every six persons (not 7.3 as stated by the Chief Court) as against 7.7 persons in Madras*, certainly go a great way in meeting the strictures passed by the Comptroller in his note. But, it seems that, afte due allowances as pointed by the Chief Cou-t are made, some reductions in the cost of the Judicial establishment are necessary on financial considerations and possible with no sacrifice of efficiency. Six statements marked 1, 1 A, 2, 3, 4 and 5 showing the work and cost of the Mysore tribunals during the decade, as compared with that of Madras Bombay and other Provinces wherever possible, the relative litigiousness in Mysore, and some British provinces, and the scale of establishment in Mysore, Madras, Bombay and Central provinces &c, of the several Civil Courts.

* Punjab - 1 for 6.
Bombay - 1 for 4

6. In regard to the administration of civil justice and the extent to which expenditure may be reasonably incurred, the number of civil suits (original as well as small causes) instituted and disposed of in the several Courts and that of appeals in the higher Courts is, broadly stated, a sure measure of the efficiency of the system. The work of the Courts in the matter of execution and miscellaneous and other proceedings is pretty large indeed, and should not be omitted from consideration. But the quantity of such kinds of work ordinarily rise or fall with the number of the civil suits and appeals instituted and disposed of. It would therefore be interesting to trace the growth of the number of civil suits instituted and disposed of up to the year 1904-5, for which figures are available. From a little less than 20,000 in the first year of the decade, the number of suits instituted, rapidly rose in the next three years, reaching the high figure of 27,000 in 1897-98, when it received a sudden check. In the succeeding year owing to the advent of plague and consequent slackness of business the number fell as rapidly down to about 20,000 with a fall of over 17

19

This terrible fall was slightly made up in the two succeeding years, the number being at 22,000 in 1899-1900 and 23,000 in 1900-01.But other causes besides palgue seemed to be also at work and in 1901-2 the number was again at 20,000 and since then civil litigation appears to be steadily in the decline. The figure for 1904-5 is reported to be only 18,254, about 8 per cent less than what it was in 1894-95.

7. The number of suits disposed of by all the tribunals has, on the average been less than the number instituted, and has generally risen or fallen synchronously with the number instituted. It was only in the year 1898-99 when on account of the first outbreak of that dire disease the plague, the number of suits instituted was very low, that the disposal was about 10 per cent more.

8. The work of the 'original' tribunals mainly depend on the ready appearance of parties and their witnesses, which in its turn is affected by the fluctuations in the seasons and the climatic and other conditions; but on a comparison of the absolute amount of work turned out by the subordinate civil Courts here with that of the corresponding tribunals in Madras (in so far as figures are available and other things supposed to be equal), it may be broadly inferred, without any disparagement to those concerned, that the work of our tribunals is very much less than that of the corresponding ones in Madras and that in regard to Munsiffs particularly, where the resemblance is most close their disposal varies between 700 to 1,000 suits per annum and is on the average only one half of their compeers in the neighbouring Presidency. The statement 1A which gives the figures for Madras for the two years 1898-99 and 1903 and ~~it~~ bears ~~me~~ out ~~in this respect~~. the above observation-

9. It will also be observed that the average duration of contested suits was least in the 1st year of the decade

viz

29

viz., 86 and gradually rose to about thrice that figure in 1904-5. And on a comparison of like with like, it may be said that the increase of average duration between the years 1898-99 and 1903-4 is about 60 per cent here while in Madras it is not quite 20 per cent. An analysis of the suits instituted and disposed of into 'original and small causes' with its necessary consequences of facility of disposal &c, may also help to a better understanding of the situation. But that is a minor matter, and nedes- does not perhaps, materially affect the general result formulated above.

10. It is this relative deficiency in the quantity of work turned out by our tribunals that Mr.Basu premises on a careful study of the financial figures, and submits for the consideration of Government, the advisability of securing greater efficiency with less cost than at present.

From statement No.2 it will be seen that, in litigiousness Mysore stands more or less, by the side of Assam, Bengal (rent suits being excluded), and Central Provinces and is very much below Madras, Bombay and Punjab. Nevertheless the cost of administration of Justice is very much higher than that of all the Provinces ennumerated above except Punjab and Bombay, the two most litigious Provinces in British India. The figures for 1901 only were available and the above inference is based on the available figures.

11. From the Administration Report of the Madras presidency for 1898-99 and that of Travancore for 1904-5 it would appear that, in regard to the cost of administration of Justice, Travancore is in a better position than Mysore. But in the absence of detailed information regarding the nature of the laws in force, the tribunals in existence and the different heads of receipts and charges under 'Law and Justice' in that State, it would not be correct to draw any inferences in relation to Mysore.

The question now to be considered is in what lines reduction is possible in the cost of the Judicial establishment.

20

12. The discussion will, for the present, be confined to the Chief Court and the Civil and the Sessions Courts, for in regard to the cost of the Magistracy, the proportion debitable to Law and Justice is alone to be considered here. The justification for the total cost thereof will have to be determined in e connection with the discussion of the cost and efficiency of the District Administration and of the charges under Land Revenue. However, certain points are here noted for discussion in regard to the establishments of the City Magistrates and of the Kolar Gold Fields Magistrate, who are not at present exercising any revenue functions and are more or less purely judicial officers. For purposes of comparison the scale of establishments existing in the Province of Madras, Bombay, the Punjab and the Central Provinces have been taken wherever similar conditions prevail (Vide statements 3 and 4 and 5). It will be seen that, on a consideration of the area, density and litigiousness &c, Mysore stands in a more favourable position than the Central Provinces and there is no reason why the cost of the judicial establishment here should exceed that in the other. That Province has an area almost 3 times that of Mysore, it is peopled by a number less than twice with a proportionately smaller density than here and yet the cost of civil justice is not very much more than what it is in Mysore while the amount of work that is turned out there is almost thrice that in Mysore, the number of Judges being in the ratio of 2 to 1. (Vide statement No.4). If it should be considered that the scale of establishment in that Province is much below the needs of a progressive and liberal administration, then a comparison with the scale prevailing in Madras or Punjab may be usefully taken as standards. But in consideration of the enormous disproportion between the amount of litigation &c, in either of those Provinces and that in Mysore, it will certainly be admitted that in no case should the scale here exceed that of either of these Provinces. As our subordinate judiciary is more or less modelled on that of Madras it will be granted that the establishment of the District and Sub Judges and of Munsiffs should not be more than in the sister Presidency and the differences are accordingly noted and taken as basis.

13 The possibility of retrenchment may be considered under the following heads:-

	Minimum saving per annum.
I. Chief Court.	
(a) Abolition of the post of the Deputy Registrar.Pay- 200-10-250.	2,400.
(b) In case the District and Sessions Judge's Court at Bangalore is to be abolished no reduction in the clerical establishment seems possible.	-
(c) Reduction of menial establishment by 12 peons -at Rs.8 &c.	1,200
(d) Abolition of a separate Law Reporter, the Registrar doing the duties.	1,800
(e) Reduction in the establishment of the Government Advocate by 1 clerk on 40 / 2 peons on 7 } 54 x 12 = 648	650
Reduction in the allotment of contingencies of the Government Advocate.	200
Total under Chief Court I	6,250

II. District & Sessions Judges Courts.

(a) Abolition of the District Court at Bangalore District Judge 8,400 Establishment 7,000 approximately.	15,400
(b) reduction in the menial establishment of the other two District Courts by 5 peons each - 10x6x12	720
Total II.	16,120

III. Subordinate Judges' Courts.

(a) Abolition of two Sub Courts at Hassan and Chickmaglur and re-establishment of 2 Munsiffs' Courts instead. Officers -400 - 200 = 200X2X2 = 4,800	
Establishment 2 Sheristedars. 60x2 / 2 Head Munshis 40x2 } 2,400 2 peons. 6x2 144	
	7,340
(b) Reduction in the menial establishment of all the Sub Jusges' Courts - 15X6X12	1,080
Total III.	8,420

30,790

IV. Local Allowances.

(a) Abolition of the local allowance of the District Judge at Shimoga (150). 1,800

Note. This has been brought into effect under the recent order re-organizing the Civil Service in Mysore.

Total IV. 1,800

V. Munsiffs Courts.

(a) Abolition of 2 temporary Munsiffs Courts at Bangalore and Mysore, whose term ordinarily will expire at the end of the calendar year 1906. 2 Officers - (150) 3,600

(b) Abolition of 34 peons in the 17 Courts existing at present at Rs.6 - 204. 2,448

Total V. 6,000

VI. City Magistrate and Kolar Gold Fields Magistrates' Courts.

Reduction in the menial establishment allowing only 4 for each Court. 420.

Total VI. 420

Total under heads I to VI. 39,050.

In round numbers. 39,000.

14. Each of these heads may now be explained as briefly as possible:-

I. Chief Court:- Our Chief Court stands in a peculiar position. Its status is presumably higher than that of the Judicial Commissioner's Courts and is much less on the other hand than that of the Punjab Chief Court or the Chartered High Courts. The annual cost of the Judicial Commissioner's Court in the Central Provinces with two Judicial Commissioners on a salary of Rs.6,500 per mensem and a Registrar on 500 rupees was o n l y 91,000 against 111,000 in Mysore according to the revised estimates of 1904-5. The establishment of that Court consists of one clerk on 250, Deputy Registrar on 200, 17 clerks and 21 peons as compared with one Deputy Registrar, (200-10-250) 34 clerks and 54 peons here. Even in the Punjab Chief Court, the highest tribunal in an area nearly 3½ times Mysore and for a

people

people numbering more than 20 millions and the most litigious in the whole of India, the staff of the Chief Court consists of 1 Registrar, 1 Deputy Registrar, 61 clerks and Superintendents and only 42 on the menial establishment.

Then again, on a comparison of the ratio of the cost of the Chief Court to the total cost of civil justice (Revised Estimate of 1904-5) it will be seen that it is slightly more than $\frac{1}{4}$ here while it is only $\frac{1}{5}$ in Bombay, Punjab and Central Provinces and $\frac{1}{6}$ in Berar and Madras. It therefore stands to reason that the cost of the Chief Court might, if practicable, be to a certain extent reduced, in consideration of the fact that the work here is believed to be at any rate comparatively not higher than any of the Provinces mentioned above.

If it is conceded that the establishment is comparatively heavy then the least objectionable course would be to abolish the post of the Deputy Registrar, part of whose duties may be done by the Registrar and part by the senior or other clerks. It may be argued on the other hand that an officer of the rank of Dy. Registrar is necessary to perform the onerous duties of the Registrar during the latter's absence on leave &c. But that may be arranged otherwise and is, after all, a minor matter.

Hence the abolition of the Deputy Registrar, and the reduction of the menial establishment by 12 peons may, without any sacrifice of efficiency, be effected with some saving to Government.

As regards the Law Reporter attention is merely invited to the Dewan's minute published with the latest order re-organizing the Civil Service.

15. (a). It is presumed that the English Law officers in Madras have a proportionately larger amount of work than the Law officers here. The establishment there consists of only two clerks and one peon, and the amount allowed for office contingent expenses is pretty small. Accordingly it seems that the post of

the

25

the clerk on Rs.40 and that of two peons may as well be abolished here and that the allotment for books and furniture which is inordinately high may be more than halved. The Government Advocate is, it is understood, an officer of the Chief Court and he may, have free ~~ex~~access to the library of the Chief Court, if he has not a good library of his own for reference.

In this connection attention may also be invited to the fact that the Government Advocate in the Central Provinces (who is of about the same status as ours here) had until 1905-6 no establishment given to him at Government expense and it is only in the budget estimates of that year a lump provision of Rs. 1,000 therefore has been provided.

16. A very strong case has of course to be made out before this suggestion could be seriously considered, as practicable under the existing circumstances. The District and Sessions Court at Bangalore has, since the Rendition, been twice abolished and thrice restored. Till the end of the first few years of the decade the Bangalore District and Sessions Court was in existence, and in 1898-99 it was, 'after due consideration' abolished for the second time, its original work both Civil and Criminal being transferred to the Chief Court. The latter exercised original jurisdiction for more than 4 years and in the middle of the official year 1902-3 the District Court which had been for the first time established at Hassan to afford convenience to the public at Hassan and Kadur and had not apparently justified its existence, was transferred to Bangalore to relieve once again the Chief Court of its original jurisdiction. The circumstances under which the District Court was re-established a t Bangalore must be known from the papers recorded in that connection. It was said in justification of the measure that the abolition of the District Court at Bangalore in 1898 was productive of inconvenience and that the mistake then committed should be soon rectified. On the other hand it was argued that it did not appear necessary or desirable so soon to resuscitate the Bangalore District Court which had been abolished after due

25

deliberation. There was no denying the fact that a very strong case was made out by the Chief Court for relief in consequence of the very heavy accumulation of civil appellate work and more proposals than one were made to secure the intended relief. It will be seen from statement No.1 that the average duration of pendency of appeals in the Chief Court rose inordinately during the said 4 years and the disposal of civil appeals was at its low ebb. This is explained by the Hon'ble Chief Court in the Annual Administration Report for Civil Justice for 1901-2 as due to the very heavy increase in the number of criminal appeals (a special feature of the period 1898-99 to 1901-2).In any case the financial considerations do not appear to have been as strongly urged as the administrative and it is a question for consideration whether, if no District Court had been experimentally established at Hassan in 1900-1, one at Bangalore would so soon have been re-established under the circumstances that stood in the year 1902-

One of the main considerations in urging for a final decision of the vexed and intricate question of the re-organization of the Judicial Department in 1902 appears to have been that the Judicial revenues showed a surplus of 40,000 to 50,000 Rs., on the average for the 8 years from 94-95 to 1901-2 (vide Statement No.1 of the Chief Court.) But it will be seen that, as observed once before, the figures given by the Comptroller should have been taken as more correct, and that the surplus pointed out, would have been more or less nominal. There is therefore reason to think that, if the financial condition of the State had then been as vigorously and vehemently represented, as Mr.Basu urges in para 74 of his review, the other more economical proposals made by the Chief Court, ~~for~~ in view of its relief, such as the conferring of unlimited civil jurisdiction, powers of an Assistant Sessions Judge &c, on the Sub Judge at Bangalore would probably have been as unanimously acceptable as the re-establishment of the District Court at Bangalore. The spirit in

which

27

which the present subject is approached should not be misunderstood. The needs of a progressive administration are very many and what is more a retrograde step should not, without the strongest and unimpeachable financial reasons, at all be taken. In the present case, it is these considerations that have originated this inquiry and the step, if decided to be taken, cannot be called retrograde for obvious reasons. If happily in the future the finances are so to improve, the country be so prosperous and litigation so much advance as to necessitate an increase of establishment in the Judicial Department, it may be that an increase to the existing number of Judges in the Chief Court would be a better solution of the problem than the re-establishment of the District Court in the Chief City of the Province. It having now been decided that the growth of ordinary expenditure of the State has been more than what it ought to be consistently with securing the greatest amount of efficiency and that ways must be ~~fore-hand~~ found for recovering our lost ground it behoves us to consider whether the District Court at Bangalore cannot once again be abolished and finally on this occasion.

17. Two statements have been prepared marked Nos.6 and 7 to show the total quantity of work in the Chief Court during the 11 years ending with 1904-5 and also to help comparing the appellate work of the Chief Court during the two periods 1894-98 and 1902-5 with that in 1898-02 when the Chief Court had also original civil and criminal jurisdiction.

It will be observed that except for the inordinate increase in the number of criminal appeals during the three abnormal years 1898-99, 1900-1 and 1901-2 the disposal of the civil appeals should not have been so low as it has been during the period 1898-1902. The average number of criminal appeals instituted during the next three years was only 220, less by 100 than that of the preceding period and slightly more than that of the 1st period. Since 1902-3 the number is actually falling and the actual number of criminal appeals instituted in 1904-5 is not much

much more than what it was in the commencement of the decade viz., 1894-95. Even the average number of civil appeals instituted is only 60 more than the 1st period and the increase is chiefly in the 2nd appeals which will materially decrease when it is decided to introduce the new rule - namely that all appeals in suits of more than Rs.500 should be direct to the Chief Court.

The number of sittings of Divisional Benches with three Judges available has not very much varied from that with only two when the third Judge used to be engaged with original Civil and Criminal work. The relative amount of appellate work turned out in the 1st and 3rd periods does not appear to be appreciably higher than in the second. As the advent of the plague seriously affected the disposal of civil work, in more ways than one and slackness in the disposal of civil appeals &c, in the subordinate appellate Courts during the period 1898-1902 was attributed to that cause, it stands to reason that the fall of the disposal of civil appeals in the Chief Court might be so explained.

18. In consideration of these circumstances is it not reasonable to infer that the total quantity of work disposed of in the Chief Court, original and appellate &c, when there was no District Court at Bangalore was more than when the Chief Court was relieved of its original jurisdiction? Apart from the financial aspect of the case, the suggestion for the abolition of the District Court at Bangalore does not seem therefore impracticable and there is no denying the fact that a material advantage is gained in the highest tribunal in the land taking up the original jurisdiction of such an important place as the Bangalore Division. To mention one instance, the privilege of trial by Jury in the Chief Court which is very rarely allowed in Sessions trials by Sessions Judges and for which our British brethren are clamouring, would be a great boon indeed to the people of Bangalore. However there is one rather strong objection for the proposed arrangement viz., that the Hon'ble

Judges

29

Judges of the Chief Court would not have sufficient time at their disposal, without in any way interfering with the speedy disposal of the civil or criminal appellate work, for inspectin of subordinate Courts and the exercise of a salutary check against deterioration in the quality or quantity of work of those Courts. It may however be pointed out that, in the years 1895-96 and 1897-98, when the Chief Court had no original jurisdiction no subordinate Courts were inspected and on the other hand in 1901-2, when there was a District Court at Bangalore so many as 6 Courts were actually inspected by the Judges of the Chief Court. Under a recent amendment to the Chief Court Regulation any single Judge is empowered to dispose of finally Civil and Criminal Revision cases and if it is conceded that the total appellate work has not materially increased since, there is stronger reason for the abolition of the District Court at present than in 1898. Even if it should be held that inspection of Courts cannot possibly be undertaken by the Judges of the Chief Court with both original and appellate jurisdiction, it is a question for consideration whether the financial and other arguments for the abolition of the District Court at Bangalore will thus lose their force.The practicability of the above suggestion has only been hinted at here. The matter has certainly to be threshed out once again in more than one aspect of the case, now that the necessity of reduction in the cost of the Judicial Department has been seriously felt.

19. (b). The proposal for the reduction in the menial establishment of the District and other Courts is based on the fact that the establishment of our subordinate Courts, having a proportionately smaller quantity of work should not exceed that in Madras, where the cost is specially high. Vide statement No.3.

20. III. Three Sub Courts were established in place of three Munsiffs Courts in the beginning of the calendar year 1903, at Hassan, Chickmaglur and Chitaldrug. The papers recorded in this connection might probably show the necessity for that change.

As

30

As that arrangement was found not to give sufficient relief to the District Judge at Shimoga or afford the intended convenience to the litigant public, the Sub Court at Chitaldrug was transferred to Shimoga and the Munsiff's Court at Honnali took the place of the former sub Court at Chitaldrug. It is a question for consideration if the Sub Courts at Hassan and Chickmaglur have justified their existence, and whether the extra cost they involve is more than repaid by the greater quantity of work turned out by the 2 Sub Judges, and the greater convenience afforded to parties. The impression of the public, whether t rightly or wrongly formed, is that the change has not been altogether successful and that reversion to the old order of things is not frought with any inconvenience but with real saving. As the Administration Reports do not give full details for each Court, the necessary statistics to support the case above put forth have not been collected.

It is understood that one of the chief considerations for the increase in the number of sub Judges effected in 1902 was to partly remove the great block in promotion to deserving men lower down in the scale. since means are now devised for combining the Judicial and Executive branches in one service where the officers may be deputed to work in such departments as they may show aptitude for, but get their promotion according to their merit and standing in the general list, the abolition o the two sub Courts will not have any undesirable effect.

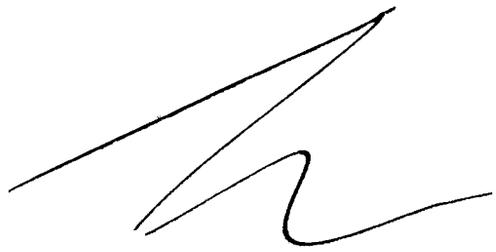
Regarding reduction of menial establishment vide statement No.2.

21. IV and V. No remarks.

22. VI. The suggestion for the reduction in the menial establishment in the City Magistrate and Kolar Gold Field s Magistrate's Courts is based on the strength of the said establishment in the Presidency Magistrate's Courts at Madras, which have only 14 peons for the four Courts there while the scale here

31

here is 6 for the City Magistrate and 5 for the Kolar Gold Fields Magistrate. The saving effected is not very material. But when a general reduction of the menial establishment is under contemplation there is no reason why each officer should be allowed to have more than he necessarily requires according to a certain fair standard.



Statement No. 1

Year.	2 Number of civil cases, original and small causes instituted during the year and disposed of (in the lower line) —					3 No of appeals disposed of —				N o
	Chief Court.	District Courts	Sub. Courts.	Munsifs Courts.	Total.	Chief Court.	District Courts	Sub Courts	Total	c. c
	3	3	3	4	4					3 J.
1893-4	"	123	4312	14840	19,275	406	411	166	983	1
Disposal.	"	104	4240	14550	18,894					
94-5	"	123	4509	15,229	19,861	435	389	107	931	1
"	"	73	4385	14874	19,332					
95-6	"	148	4762	18251	23,161	429	389	107	495	1
"	"	128	4569	16977	21,674					
96-7	"	75	4875	19,148	24,098	333	246	215	794	1
"	"	73	4677	19,135	23,885					
97-8	"	70	2599	25018	27,687	522	372	294	1188	1
"	"	64	3499	23192	26,755					
98-9	40	35	1391	18953	20,419	436	609	603	1648	1
"	23	50	1582	20,884	22,539					
99-00	17	48	1664	20,445	22174	242	170	470	882	1
"	21	33	1621	19804	21479					
1900-01.	8	74	1337	21610	23029	229	210	413	852	1
"	12	54	1388	20362	21816.					
01-02	5	67	1064	18953	20,084	135	385	331	851	1
"	4	54	1212	19311	20,581					
02-03	4	49	3259	15230	18,542	448	342	254	1044	
"	8	63	2924	15534	18529					
03-04	"	66	3934	14809	18,809	486	459	466	1411	
"	"	56	3892	14809	18757					
04-05.	"	53	3114	15,087	18,254	543	616	444	1603	
"	"	51	3415	15244	18,710.					

4				5								6		7
Tribunals.				Average duration of Suits & appeals —								No. of Tribunals exercising original & appellate jurisdiction		
				Contested original & Small Cause cases.				Appeals —						
D.C	S.C	M.C.	Total	C.C	D.C	S.C	M.C	C.C 1st Appeal	C.C 2nd Appeal	D.C	S.C	Original	Appellate	
2	2													✱ The Special Magistrate K.G.7 invested with the powers of a Munsiff —
3	2	20	26	"	489	88	86	145	112	252	81	25	4	
3	3	20	27	"	541	152	88	205	135			26	5	Sub Court Stld at Shimoga —
3	2	20	26	"	250	110	109	216	181	337	233	25	5	do - abolished
3		20	27	"	575	132	101	300	256	322	195	26	6	do - Re Stld.
3	3	20	27	"	504	193	105	369	266	420	411	26	6	
2	4	20	27	148	273	189	116	386	299	502	332	27	7	Bangalore DJS.C abolished & Temply Sub Court at Mysore
2	3	20	26	410	643	186	132	681	347	374	336	26	6	
3	2	20	26	400	771	208	163	644	438	198	189	26	6	Hassan D.C Established. Sub-Court at Shimoga abolished
3	2	19	25	708	413	222	174	757	597	319	143	25	6	K.G.7. Mag. deprived of Civil Jurisdiction
3	5	16	25	602	269	136	175	611	498	314	75	24	8	(1) 3 Sub Courts viz. Shimoga D.C Hassan D.C abolished (2) Bangalore D.C. re-established — (3)
3	5	17	26	"	436	118	184	522	452	164	80	25	8	Munsiff's Ct. at K.G.7.
3	5	17 +2	26 +2	"	438	296	242	350	337	286	90	27	8	Two Temply Munsiff's at Bangalore established

NO. I A.

Madras and Travancore figures for 1898-9, 19

1	2					3				
	No: of civil cases, original and small causes instituted during the year and disposed of (in red ink)					No of Appeals disposed of				No
Year / Province	High or Chief Court	District Court	Sub Courts	Munsiffs Courts	Total	Chief Court	District Courts	Sub Courts	Total	Chief Court
Madras.										
1898-9	230	2200	22600	220000	245000	3000	8000	2300	13000	6 J / 1
Disposed	300	2600	21000	224600	248000					
1903	200	1000	19000	c 194000	214000	1350	7000	2200	10500	1
	175	1000	18300	195000	214000					
				c. This large decrease is apparently due to the creation						
Travancore										4 J / 1
1898-9	—	1274	—	41912	43186	670	1902	—	2572	
		1264		~~29054~~ 38094	39358					
		526.		40,063						
1903-04	11	~~564~~ 603	—	~~41200~~ 40500	41800. 41100	726.	1727.		2453	1
		566.		39,747		629				
1904-5.	11	~~581~~ 478		~~41900~~ 40200	41300. 40700.	~~649~~	1623		2252	1
			4	4	4	3	3	3	3	3

3, & 1907-5

4 Tribunals —				5 Annual duration of suits disposed								No of tribunals exercising powers within		Remarks.
				Contested original and small cause cases —				Appeals —						
District	Sub Court	Mun. & Cant. Courts	Total	C.C	D.C	S.C	All-C	C.C. 1st	C.C. 2nd	D.C	S.C	Original	Appellate	
10	15	a 114 +22	150 +22	195	192	99	124	33	11	212	112			x. Exercising powers of the District Munsiff.
10	15	a 120 +22	156 +22	219	271	118	157	43¾	34	191	142			a. The city civil Court, the Revising Small Cause Courts and the Cantonment Small Cause Courts, with their suits to are left out of consideration
Cantonment		Small Cause Courts left out here —												
5	—	d 21	d 27									26	e 7	d. are itinerant Munsiff's Courts.
5	—	d 21 ~~20~~	d 27 ~~26~~					219	156	164	—	25	e 7	e. Five District Courts and 2 Divisional benches of civil courts —
5	—	d. 21 ~~20~~	d. 27. ~~26~~	—	296	—	85	253 ~~219~~	160 ~~156~~	220 ~~164~~	—	25	e 7	
	2	3	3	2	3	3	3	3	3	3	3	3	3	19

Statement No. 2

Name of Province	Area	Population according to Census of 1901	Density	Mean number of suits (rent excluded) per 10,000 for 1901	Mean number of true cases per 10,000 for 1901	Receipts under C. Stamps	Receipts under Law & Justice	Total Charges	Charge per 1000.
	Sq. miles, in 000.							Rs.	Rs.
Assam	56,243	6,126	109	39	32			7 lakhs	114
Bengal	151,185	74,745	494	49	32				130
Central Provinces	86,614	9,876	114	66	24			12 lakhs	122
Berar	17,710	2,754	156	100	62			3 lakhs	109
Madras	141,726	38,209	270	88	86	53 lakhs (for 1903)—	8½ lakhs	50 lakhs	132
Mysore	29,444	5,539	188 (for 00–01)—	42	26	4,78,000 (for 00–01)—	54,000	9,14,000	167
Travancore	7,100	2,950	402	140 (for 98–9—	63	5,67,000	34,000	2,93,000. Civ 1,76,000. Cr	156
British India	1,074,000	131,560	216	64	49	3,43,2[illegible] (for 00–	34 lakhs	3,19,	181

Statement No. 3 showing Average establishment of the District and Sessions Judges and Subordinate Judges etc

Name of Province	Dt & Sessions Courts				Sub Judges				Munsiffs			Process Establishment		
	Sheristadar	Clerks	Peons	average cost of Estt	Shr.	clerk	Peons	average cost of Establishment	Clerks	Peons	average cost of Estabt	Receipts	charges	Earnings
From Budget 1905-06											7	for 1903-04		
Mysore	1	12	13	7000	1	9	8	4200	8	5	2500	117 lakhs	6,70 Rs	4,30 Rs
Madras	1	15	8	8800	1	9	5	4200	8	4	2400	90 thousands	62 Rs.	28 Rs
Central Provces		7	6	4500	—	7	5	3000	2	1	500			
Bombay	Nazir 1	19	13	11000	—	12	10		11	4	Average for Each Court 3500			

Cost of tribunals —

Cost of High Court. 000.	Law officers	Subordinate judicial Cost	Process Service &c —	Appointments — No specific date of disposal — Monthly &c — Weekly — Sittings in Magistrate — 000 000		Civil: No. of Regular appeals:
				Figures calendar year 1901. Cent excluded —		
a	19	230. ~~+27~~	96	54	65.	4400.
45	8	147.	75	21.	25	950
		~~18,50~~ ~~20,17~~	9 04	~~Calendar year 1901~~ —		
5,70	1,72	~~27,54~~ ~~19.~~ ~~18,56~~	~~7,31.~~ ~~+17.~~ ~~+61~~	289	337	10,000. (Includes Civil Justice Village Courts)
				~~To 01.~~		
111	14	219	62	212	2	850
				Ca year 1901.		
6,68	2.52	19,72	310. ~~290.~~	148	178.	3700. (Average 4500)
3,32	1,46.	10,62	2,46	201.	232	13000.
~~73,000~~	25.	2,70		31	40	2700. (Six courts)

(a). Judicial Commissioners functions

(b). 3 Judges for mixed under Ockham Agricultural Acts

(c). Residents Stipendiary Small Cause Judges

Province.	Receipts under Court fees.	Receipts under Law & Justice	Total Cost of Civil Justice.	No of Tribunals exercising Civil jurisdiction -				
				High or Chief Court.	Dist & Sessions Courts.	Subordinate Judges.	Munsifs	Total No. of Judges.
	000	000	000.					
Revised Estimate for 1904-05:								
Central Provinces	10,07	1,28	4,36	2	4	2	50	58.
Berar	4,98.	49.	275	1	1	9		11.
Madras.	5085	~~1,49~~ 825	34,96	6.	20.	~~25~~ 18 (Chief J). +3.S.C).	120.	~~167~~ 172. 3
Mysore.	4,45	46.	406.	3.	3	5	19	30.
Bombay	36,20	4,00	32,55	7 (a). 1. J.C.	18 (b) 1. J + 2. S. J.	15 (c) - 5. P.C + 3. M.	103	155 5.
Punjab	2700	3,39	17,86	5	12. ~~DJS~~. 7. D.J. +2 S.J	13	81	120 3
Travancore. (04-05)	1,97	70	3,68	4	5	—	21	30

No. 6. Statement shewing the Appellate Work of the Chief Court &c.

Year	Total no: of sittings civil and criminal.	Analysis of Benches: Full Bench	Divisional Bench	Single Sittings.	Sittings for original work: Civil	Criminal	No. of Civil appeals &c instituted: First	Second	Miscellaneous appeals	Referred and Revisions
93-94	142	7	127	8			359	148	56	247
94-95	108						315 x +71	175	70	228
95-96	108						302 x +23	143	67	254
96-97	129	3	126				363 x +39	120	78	259
97-98	114	2	112				324 +4	149	75	296 (y) +7
98-99	115	3	112		93	11 s.	303 (b).	174	43	238 +5
99-00	112				96	18 s.	291	161	63	253
00-01	113	1	112		90	101 days	297	156	75	314 +3
01-02	113	1	112		110	115 d.	294	208	106	373 +5
02-03	116	1	115		41	46 s	401	145	80	379 +6
03-04	113	1	112				371	180	83	74
04-05	136	6. 3	130	8	3	4	343	259	88	386 +6

(y) = Sund
(z) = a

of Criminal appeals instituted.			Disposal of appeals &c								
Cr. cases	Cr. Calendar	Sentence of death for confirmation. Application for revision.	First appeals	Second Appeals	misc. Civil appeals &c.	Civil Revision &c	Cr. Appeals	Cr. Revision &c. Record called for	Disposal of Sentence of death & Appeals referred for confirmation	Courts inspected during the year: civ	cr.
			291	115	53					14 civ	
61	3038		287	148	64			257			x. Transferred to the District Judge at Bangalore.
15 +5	3226	3 225	287	142	64		205	169	3 224		
211 +7	3284	4 236	200	133	80	235	215	177	4 224	13 civ. 23 criminal.	
159 +4	3856	6 253	300	121	87	311 (y) +6	142	162	5 235	—	*. Decrease due to fewer Extra Sittings.
592 +5	3416	8 219	189	140	45	238	374	75	8 193	(c) nil	(a) Smallness of disposal due to increase of criminal & miscellaneous work
209 +5	3243	4 210	152	90	51	243	251	113	3 202	(d) nil	(b) Sub-Judge invested with appeal powers.
335 +12	3814	7 240	119	110	65	295	344	103	5 237	d. nil	(c) Explained
325 +2	4684	6 236	135	156	94	352	349	210	6 257	6 civ.	(d) — do — Suggestion for the adoption of a Sub Court in each District
236 +4	4272	13 266	160	279	59	336	234	336	10 235	10 civ 20 cr:	(e) Increase in Criminal appeals since 98 and hence delay in disposal of Civil work.
223 +11	4308	14 231	250	233	105	450 +3	236	305	252	4 civ 3 cr.	
179 +6.	3857	4 174	315	225	96	379 +6	175	176	6 164	5 civ 9 cr.	
									4	8	

Deaths for confirmation against acquittals

No 7 — Comparing the work of the Circuit Courts during the 3 periods 94-98, 98-02 and 02-05 &c

	Average no: of Ordinary including H.B.	Average no of civil cases (or) disposed of by single Judge	Average no of Session cases disposed of	Average no: of civil appeals instituted: First	Second	Total	Av: no of Mis Civil appeals	Av: no: of Revisn Civil	Av: no of Cr: Appeals instituted including Summary	Av: no of Cr: petitions & References of Sentence, Bail &c	Average Disposal of civil appeals: First	Second	Total	Av: no of Mis Civil Appeals	Av no of Revisn &c	Av: no of Cr: Appeals disposed	Av: no of Cr: petitions & Refers disposed	Av: no: Records called for & result in Cr: Cases
94-98 (4 years)	115			360	147	507	73	261	191	242	269	136	405	84	276	187	232	191
98-02. (4 years)	113	15	61.	293	175	468	72	298	321.	233	149	124	273	64	282	330.	228	142
02-05. (3 years).	122.			371	195	566	84	383	220	234	246.	242	488	87	391.	218.	213.	272.

Comparative Statement showing the institution and disposals in the several Sub & Sub Courts & 2 Munsiffs Courts during the years 1903-04 & 1904-05.

Name of Courts	No: of Original suits instituted				No: of Small Cause suits instituted				Total no: of original & small cause		Disposal						Sessions				Appeals				Remarks.
	Above Rs: 2500/-		Below Rs: 2500/-		Above Rs: 50/-		Below Rs: 50/-				Original		Small Causes		Total		Committed		Disposed of		Instituted or transferred		Disposed of		
	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	1903-04	1904-05	
Bangalore Sub Ct	36	20	—	—	907	860	—	—	943	880	41	31	884	946	925	975	—	—	—	—	155	122	183	93	10
Mysore — do —	23	10	1 Transferred	—	215	183	—	—	239	193	27	23	202	197	229	220	—		—	—	315	130	193	191	
Hassan — do —	13	10	270	234	312	305	297	304	892	853	350	254	625	578	975	832	9	10	9	6	—	—	—	—	2 Cases not disposed in money values
Chickmagalur — do —	13	23	208	202	261	255	268	227	750	707	213	250	532	533	745	783	3	4	2	4	—	33	—	33	10 — do —
Shimoga — do —	—	12	—	16	—	50	—	—	—	78	—	13	—	31	—	44	—	4	—	3	—	94	—	89	
Chitaldroog Sub Ct	9	3	202	672	465	304	434	340	1110	1319	190	478	828	651	1018	1129	3	—	3	—	—	40	—	38	Munsiff's Ct: was established during the 2nd half of the year 1904-05
Kolar — do —	—	—	501	390	—	—	348	280	849	670	604	358	389	259	993	617	.	.	.	.	.	.	.	.	

Statement No. 3

Name of Province	District and Sessions Courts.				Sub-Judges –				Munsiffs.			Process Establishment.		
	Sheristadar.	Clerks.	Peons.	Annual Cost of Establishment.	Sbrs.	Clerks.	Peons.	Annual Cost of Establishment.	Clerks.	Peons.	Annual Cost of Establishment.	Receipts	Charges.	Savings
From budget of 05-06.				7				7			7	for 1903-4.		
Mysore.	1	12	13	7000.	1	9	8	4200.	8	6	2500.	11 L.	6,70 Rs.	4,30 Rs.
Madras.	1	15	8	8800.	1	9	5	4200.	8	4	2400.	90 Rs.	62 Rs.	28 Rs.
Central Provinces.	–	7	6	4500. ~~7000.~~	–	7	5.	3000.	2	1	500.			
Bombay	1 (Nazir)	19.	13.	11000.	–	12	10		11	5	average for each court – 3500 –			

Statement No 5 Civil & Judicial Commissioners Courts – from Budget Estimate for 05-06:–

	Judges.	Regr.	Dy Regr.	Establishment Clerks.	Peons.	Total Cost of all establishments.
Punjab	3	1	1	61	42	
Mysore	3	1	1	34	54	
Central Provinces	2	1	1 (Clerk)	17	2.	

No 3

Correspondence No. 1506.

No. 849/52

Bangalore, dated 7th August 1906.

From

~~V. A. Raja Ratna Mudaliar Esquire,~~

The Registrar of the Chief Court of Mysore.

To

~~B. Srinivasa Iyengar Esquire~~

The Secretary, Retrenchment Committee,

Bangalore.

Sir,

Referring to your letter No.5 dated 25th ultimo forwarding a copy of ~~the~~ Retrenchment Committee's note in regard to the possibility of the reduction in the present cost of Judicial Establishments in Mysore and requesting the opinion of the Judges as to the feasibility of the suggestions detailed therein, I am directed to enclose copies of the Judges' Minutes on the subject.

I have the honor to be,

Sir,

Your most obedient servant.

V. Raja Ratna Mudaliar

Registrar.

C. J's Remarks

We have no reason to give against it that I see other than the objections considered; and on page 12 it is suggested that if necessary an additional Judge for the Chief Court may be provided.

(Intd-) A.E.S.

There is considerable difference in the maximum and minimum of fees in the Chief Court and District Court; but under Rule 1 Rule of Practice 91 we have full authority to alter by declaration in any particular case. I do not think we require any alteration in the Rules regarding employment of Advocates and 1st Grade Pleaders. They have had nothing guaranteedto them and by this time must be accustomed to frequent changes of the jurisdiction.

(Intd-) A.E.S.

Registrar's Note.

The pros and cons of the proposals for retrenchment in the Judicial Department are fairly discussed in the note of the Committee. The chief item of reduction is the abolition of the District and Sessions Court of the Bangalore Division. Since retrenchment must be effected on the score of financial necessity this proposal may perhaps be acceded to. The only phase not touched upon in the note, in connection with it, is the question of expense to suitors and the possibility of the change affecting the interests of the 1st Grade Pleaders who now practice in the District Court. When the original Civil & Criminal Jurisdiction exercised by that Court is transferred to the Chief Court only Advocates can appear in cases trie on the original side of the Court, thoug the Judge who tries them will be deemed to be exercising the functions of a District and Sessions Judge. But it may be urged that Original Suits above Rs. 10,000/-(Suits up to that amount falling within the jurisdiction of the Sub Judge of Bangalore) are very few in number and that even now it is only Advocates, and not 1st Grade Pleaders, that appear in most Sessions cases before the Sessions Judge. If the Chief Court has to take up Sessions work the Sessions of the three Districts of Bangalore, Ko

lar

They are joined by rail and this should present no difficulty.

(Intd-) A.E.S.

No. I think we should disturb no existing arrangement unless necessary. Chickmagalur and Chitaldroog are not joined with Shimoga by rail nor Hassan with Mysore;and it is no doubt I think difficult for witnesses to go for Session to headquarters.

(Intd-) A.E.S.

This may be suggested,amongst other means to enable the Chief Court to deal with the increase of work:see remarks at close of this memo.

(Intd-) A.E.S.

Kolar and Tumkur will be held as before at Bangalore. To secure uniformity it may perhaps be necessary to do away with the system of circuit Sessions,revived in January 1903,in the other two Divisions also. The circuit system was abolished on the score of much of the Sessions Judge's time being occupied in travelling &c., and it was revived on the ground of convenience to prosecutors and witnesses. Financially the circuit system costs perhaps more,as the rates of travelling and halting allowances to the Judges and their officials are higher than those allowed to witnesses. If the District and Sessions Court is abolished it will of course add very materially to the work of the Chief Court. The Sub Judge of Bangalore might then be invested with the powers of an Assistant Sessions Judge,as the Sub Judges in the other two Divisions are.

2. As regards the establishment when the District Court was abolished in1898 4 additional hands were allowed to the Chief Court, in spite of which it was found difficult to cope with the increased work. There were then two officers besides the Registrar,viz.Deputy Registrar and Assistant Registrar. The latter appointment was abolished when the establishment was revised in January 1904,and the work of that officer was apportioned between the Registrar and the Deputy Registrar. The present

proposal

proposal to abolish the post of Deputy Registrar seems impracticable. As it is there is full work for the Registrar and the Deputy. The abolition of the District Court, if it is carried out, will add considerably to their work. The nature of the work is not such as can safely be delegated to senior or other clerks as suggested in the note. If the exegencies of the situation are rightly understood, the Government is not likely to resolve on a course of action which will seriously affect and impair the efficiency of the administrative and ministerial work of the Court. It may perhaps be suggested by way of compromise that the Deputy Registrar may be made ex officio Law Reporter. The present incumbent is competent to do it though, I fear, it will add very much to his work.

The duties of the Registrar are, as the Judges are aware, so onerous and to some extent multifarious, that he will hardly have time to take up the duties of Law Reporter. This was represented to Government more than once. The appointment of the Deputy Registrar as Law Reporter ex officio will result in an immediate saving of Rs.150 per month.

3. The abolition of the two Sub Courts at Hassan and Chickmagalur and the establishment of Munsiffs' Courts instead is not likely to result in any inconvenience. Since 1903 the people of those parts have been agitating for this and the

With the above remarks I agree. It will lighten the work of the Reporter if in future judgments are marked at the time of pronouncing as for Report.

(Intd-) A.E.S.

// I agree.

(Intd-) A.E.S.

I agree.

(Intd-) A.E.S.

Statements to be put up.
(Intd-) A.E.S.

Seen. I agree. In the usual course they will be abolished at the end of the year. If the Munsiffs would carry out our orders against repeated summonses and adjournments they would get through their work quick enough.

Govt. Advocate to be consulted.

(Intd-) A.E.S.

I agree.

(Intd-) A.E.S.

the vexed question of 2nd Grade Pleader who are now debarred from practicing in the new Sub Courts will be solved along with it.

4. The two temporary Additional Munsiffs' Courts at Bangalore and Mysore may likewise be abolished whenever the Government may desire to do so on the ground of economy. The Munsiffs of Bangalore and Mysore have not heavier work than the Munsiff of Seringapatam and may be made to clear off the arrears by working vigorously.

5. The other items of retrenchment proposed refer to the Government Advocate(who might be consulted) and to the menial establishment of the Chief Court and the Subordinate Civil Courts. So far as the Chief Court is concerned 12 is too large a number for reduction, especially if original work is to be assigned to the Court. In the revision of 1904, 8 peons were allowed in addition to the then existing staff. The reduction may perhaps be limited to that number.

V. A. Rajaratna Mudaliar.

30. 7. 6 (Intd-) V.A.R.

C. K. Subramaniam Rep.

The Chief Judge's Minute.

The Comptroller's arguments are based on the assumption that the Judicial establishments of the various provinces of British India are sufficient. I have never seen or heard anything but complaints that they are wholly insufficient: and I think the assumption should not have been made without inquiry from the chief Judicial Authority of each Province. But as I understand we must, unless strong reason is shown to the contrary, accept the reductions on the whole. We can only make suggestions then so as to make work under the new system practicable to the Chief Court, as far as we can foresee. Since the comparison of our work and expenditure is made on a comparison with areas in British India it is only reasonable to assume that the Government will sanction a change in our procedure so as to make it similar to that of British India.

2. I would therefore make the fol-lowing suggestions for the speedier disposal of business:-

i. Section 584 (d) Civil Procedure Code allowing a Second Appeal in any case where the finding of the Original Court differs from that of a Court of first instance should be repealed. If the majority of the Judges disapprove this proposal, the provision may be li-

mited

limited to appeals of the value of Rs. 500/- and over or such limit as the Judges think fit.

ii. In the S.C.C.Suits second appeals the limit under section 586 Civil Procedure Code is in British India Rs. 500/-. In our Code it is Rs.50/-. The limit should be raised to Rs.500/-.

I have never been able to see any good reason for second appeals being allowed in petty cases. They have great-ly blocked the progress of litigation.

iii. A Judge of the Chief Court - should himself have on the original side S.C.C. Jurisdiction up to Rs.5,000/-. The draft Regulation for Mysore Small Cause Courts should be made law. We con-sidered it fully and reported to Government but have heard no more of it for about two years. The S.C.C. procedure in force is ActXl of 1865 but sect-ion6 of that Act only allows it in - suits up to the value of Rs.500/. I believe though I have not got the reference that the jurisdiction of Presidency Small Cause Courts under Act XV of 1882 (2000Rs.)has been raised to Rs.5,000/- for Presidency towns for many years. Even a single Subordinate Judge in Bengal is sometimes now vested in the mofussil with the Small Cause Court Powers up to Rs.2,000/-;and I think the Chief Court of Mysore should have more extensive powers,being fully qualified.

iV. Each Subordinate Judge should ordinarily have the Small Cause Court Jurisdiction

Jurisdiction up to Rs.300/-.

V. Each Munsiff of five years' approved service should ordinarily have Small Cause Court powers up to Rs.100/-

2. When the Small Cause Court Regulation came for our consideration, I recorded my opinion on the necessity for more extensive Small Cause Court powers being granted in order to facilitate more speedily the demands of traders and business people. It stands to reason that they will not litigate if it costs more(as it frequently does now) to litigate than to enforce a just debt. At present with limited Small Cause Court jurisdiction and the appalling delays in the original court first and second appellate courts involved, it is surprising that there is so much litigation as there is. There will, since nothing is perfect, no doubt be occasional miscarriages of justice. But they will not cause so much harm as justice so ruinous and dilatory that it is worth nothing at all but the name. I have no doubt that if justice were speedier the amount of litigation would greatly increase, when the new procedure should be understood, and that there would be a corrosponding rise of income.

4. 3. Next as to inspection by the Chief Court Judges, I think they should ordinarily be responsible for inspecting District Magistrates', Sub Judges and Munsiffs of the Bangalore Division, and

the

the District and Sessions Judges' courts of Shimoga and Mysore; that the District and Sessions Judges of Shimoga and Mysore should ordinarily be responsible for inspecting the subordinate Civil Courts and District Magistrates' Courts of their Divisions, and the District Magistrates be ordinarily responsible for inspecting the Courts of Magistrates subordinate to them. I see no sense in relieving District Judges and Magistrates of their inspection duties when Chief Court Judges have their own court work to do. This will not prevent a Chief Court Judge if he has time and wants a change or there is any necessity for it, going anywhere in the State and making any inspection he thinks fit. There is an auditor continually engaged in inspecting the accounts of subordinate Civil Courts, and of that very important technical work inspecting officers are to considerable extent relieved.

4. There is quite an unnecessary waste of time of the courts in copying and sending for our perusal and in our reading them proceedings in petty cases -I refer to the calendars. They should be limited to cases in which the accused has been sent up for trial or has been convicted of offences punishable with three years' imprisonment and upwards or in which death has resulted to any person in the course of the transaction with which the alleged offence is connected. Nothing more is necessary

to

to enable us to be satisfied that the proceedings except in petty cases has been regular and the sentences proper.

5. If in future the cost of the Mysore Judicial Establishment is to be estimated on the basis of the cost of the Madras Establishment then in futu only a fifth instead of a half of the pay of Revenue Officers exercising powers of a Magistrate should be debited here to Law and Justice. And as in Madras village munsiffs and punchayets - should be appointed to settle petty cases. On the latter point the Government have already all necessary particulars after the fullest inquiry.

(Sd-) A.E. Staley,

8.06. Chief Judge.

Copy

Mr. Justice H.V.Nanjundayya's Minute.

Proposed reduction of Judicial Establishments.

The subject is one of considerabl importance and I am unable to give an opinion except with diffidence unless I have time to collect and compare certain statistics about the work of our courts. I can only note down certain observation that occur to me on reading the letter of the Reduction Committee and the Registrar's note and the remarks of the learned Chief Judge thereon. I cannot however help remarking that the subject is one that deserves a more detailed & comprehensive examination, as it touches the permanent interests of the litigant Public.

2. For want of proper detailed information, it is not possible to examine how far the comparisons instituted in the Committee's letter are of any force. Where the general conditions are either unknown or diverse, no useful purpose is served by comparisons, which if confined to particular aspects may be made to - support almost any position. Perhaps the most useful course for us is to consider the matter from the point of view of local needs and local conditions.

3. I find it difficult to understand that the Courts have not been self supporting. Perhaps the Civil and Criminal Courts are taken together. From the

administration

administration reports, I find that the receipts and charges were as stated below:-

	Receipts.	Charges.
1901-2.	3,98,000.	3,58,900.
1902-3.	3,84,000.	3,70,000.
1903-4.	3,77,000.	3,75,000.
1904-5.	3,83,000.	3,94,000.

But the revenue from the court fee stamps shows larger figures in all the years, and as the refunds and the stamps of Criminal and Revenue Courts cannot be considerable, perhaps even the last year's result may be more favourable to the Courts. The Court fee stamp Revenue is given as Rs.4,34,114 in 1902-3, Rs. 4,38,315 in 1903-4, and Rs.4,29,948 in 1904-5.

4. Coming now to the reductions proposed:

Chief Court:

If there is to be an access of work by the addition of original jurisdiction, it seems to be out of the question to abolish the post of Deputy Registrar or to add the Law Reporter's work to either ~~of them~~ the Registrar or the Dy Registrar. Perhaps as things stand now, it may perhaps be feasible to manage without a Deputy Registrar. Anyhow I think it would be a mistake to abolish the Law Reporter's place. I believe they have a separate Law Reporter taken from the Bar attached to all High Courts and other similar Courts. The Bar here is comparatively ill-paid, and I believe they are visibly deteriorat-

deteriorating on this account, and it is quite necessary in the interests of efficient administration of justice that we should have a strong and well informed body of Advocates attached to the Chief Court. There are so few prizes open to bona fide members of the Profession, that it would be a pity to take away from them. Even the chances that the junior members had of entering the Judicial Service of Government have become appreciably less of late, on account of the appointments of Judicial Probationers; and there seems to be absolutely no chance of the more distinguished among them ever entering the higher ranks directly.

p-p. 5

District Court.

There seems to be an impression among those who have not actually seen the work of the Chief Court, that the Judges have a very easy time of it, and can stand a great deal of addition to their work. In fact, this was to some extent my opinion before I came here. But my experience has disabused my mind of this impression. The late Chief Judge whose opinion must command much more respect told me that the work of this Court took him at least 6 hours of work every day whether it was a court day or off day, and that he could not afford time to read up even the important cases in current law reports. I believe the experience of the other Judges including the learned Chief Judge has been similar

Quite so. I work 8 hours ordinarily and often 10 & 12 hours a day.

(Sd-) A.E.Staley.

I have tried by my proposals to make the proposed changes practicable and I think the changes are resolved on for economy.

(Sd-) A.E.Staley.

I think the court will manage with the economies of work which I have proposed.

(Sd-) A.E.Staley.

similar to mine. It is hardly necessary for me to add that it would be a grave mistake to convert the Judges of a Court from which there is practically no appeal at all into drudges with 8 hours a day of physical work, and without time for calm thinking and study.

6. If the District Court is abolished and original work again added to this Court, it is quite certain that work would go on in a way, just as it was going on. But it may be taken as certain that we shall not be able to be as prompt in the discharge of appeal and revision work as we have been for 2 or 3 years past, and I fear that the work must suffer in quality.

I would also respectfully suggest for consideration whether we should not stick to the present arrangement of a uniform state of things in all the three Divisions, rather than to the anamolous one of having a Sub Judge who would be (especially if made an Assistant Session Judge also) a miniature District Judge over the three districts of this Division. If abolition of one of the courts is inevitable, I would rather remove the Subordinate Judge. The District Judge could do all the Subordinate Judge's work, and we would have the same rule applying to all the divisions.

8. Instead of having ordinary original jurisdiction, we may withdraw cases whenever the District Judge's file is too heavy; and the more important classes of

Sessions

I think the work of this court cannot be increased and be done properly. That is why if increase is made in one direction as proposed, I have proposed to diminish it otherwise.

(Sd-) A.E.Staley.

Sessions may all come to us as a matter of course. The Circuit Session may advantageously be abolished in this division.

9. There is also another way of increasing the work of this court and relieving lower courts. All appeals of a certain value and all criminal appeals of mare than one year's imprisonment may be filed in this Court and disposed of. This was one of the alternative schemes thought of, and we compared some statistics then. Anything done in this manner would work uniformly for the whole State. In this connection I would draw special attention to the minutes recorded by the Judges in June 1902; and perhaps I may add that for a long while, we are not likely either to require or to have a fourth Judge in the Chief Court.

Sub Judge's Courts.

10. There seems to be no harm in replacing the two new Sub Judge's courts with Munsif's courts. There were however certain considerations which induced Government to make these courts Sub courts, one of which was the inconvenience represented to be caused to people of these three places to go all the way to Shimoga and Mysore. The chief though perhaps unexpressed reason seems to have been that these courts would go a great way to restore the old state of things, according to which there was a Sub Judge or a Judicial Assistant as he was style in each district. This system was probably

probably changed apparently as it was felt more advantageoous to have special officers who would get training as whol -ly Judicial officers and who would thus become experts especially in civil law. Now the last order of Government on the Civil Service seems to return to the older notion that Sub Judges should be officers of the same class as Assist -ant Commissiners,Police Superintendents and Survey officers. There are many con -veniences to the Public in having a Sub Judge in each district. Once for all,Government may consider whether that would not be a step towards progress.As these will apparently be in no better position than other assistants,it would probably be quite easy to reduce one Assistant Commissioner for each addi- tional Sub Judge to be appointed. Most of the criminal work (original and ap- peal Magisterial) might be entrusted to this officer. We shall thus be virtually separating Judicial and Revenue functions which even the Government of Indis has I believe,accepted as a correct prin- ciple and a very desirable practice. If even this additional work is insufficient, the Treasury or other work could be trusted to them,and thus materially duce the work falling on the Deputy Commissioner and his general Assist

11. Unless it pleases Government to take steps in this direction,the 2 Judge's Courts of Hassan and Chickm may be converted into Munsif's court

On the contrary I think it is of the highest importance that Executive Officers should get Ju- dicial training and that the Dewan and Councellors should have had it. They cannot govern Judicial af- fairs without such experience, properly.

(Sd-) A.E. Staley.

The conditions are entirely different in British India,for there the Executive Officers get and have got for many years no training whatsoever in Civil Court or Sessions Court work.

(Sd-) A.E.Staley.

12. Munsif's Courts.

The two Additional Munsif's courts in Bangalore and Mysore may be abolishe at the end of the year. But from enquries I made in Mysore when I was ther on the last occasion, the accumulated old cases are still likely to cause a block in business. But it will be possible probably to correct this to some extent by increasing the business of the Munsif of Hole-Narsipur.

Menial Establishment.

13. I believe the menial establishment of the Chief Court is not larger proportionally than that of offices of similar standing in other departments. As the chief work of these men is orderly duty, it is quite possible that with the reduction proposed by the Registrar, we could get on. The saving to be effected is little, and to some extent, they are required to keep up appearances of official persons. It does not therefore seem quite correct to compare the courts with other similar institutions elsewhere, where the position, pay of the officers are so different, and where possibly the surroundings also considerably differ. The fairest thing to do seems to be to determine on a per centage reduction all round in offices of the same class in the State and bring it into force.

About reduction in the lower court I think we may obtain the opinions of the Judges concerned.

14. Suggestions by the Chief Judge.

(i). Section 584 (d).

As the difference between the two courts proves that there is something to be said on both sides, I think that the provision is a wholesome one On the whole, I am for letting it alone at present, the limit placed by section 586 being enough. There is no doubt that we sometimes get very petty cases; but rightly or wrongly people seem to attach very disproportionate importance to suits about immoveable property.

15. (ii). I do not quite understand the reason of the limit placed on second appeals by section 586. If the second appeal is not allowed, I believe the case can be brought up on the revision side. What is the advantage of this, except to the parties, who thereby save the court fees? In our Code, there is another anamoly, or rather the limit of Rs.50/- is meaningless, as all cases of Rs.50/- are decided on the Small Cause side. The limit may be fairly raised to Rs.300/- (allowing for the difference of standard between this State and British India) or even to Rs.500/-. The cases coming on the revision side may be dealt with by one Judge; and we need not grudge the court fees on valuation of subject matter which is thereby saved to parties.

16. If the limit is raised, I would however except appeals under 584 (d) from its operation, as such questions cannot be brought up before the Chief Court e

the revision side.

17. (iii). I must say with du deference that I do not see the utilit; of investing the Chief Court or any - other court with Small Cause Jurisdict· ion up to Rs.5000/-. Such transactions are very few and are not generally en- tered into without security of immove- able property. It seems to me that S.C. Jurisdiction over sums exceeding Rs.500 is not likely to be wanted in Mysore for quite a long while ~~yet~~, whatever may be the need of Presidency towns and other places in British India;and that it is not necessary to invest a Judge of the Chief Court with such jurisdict- ion.

18. The Small Cause Court Regulatio as drafted, seems to me not to make much difference on the question that we are now at. I do not know why it has been shelved;but as noted by me,I still am of humble opinion that it is capable of much improvement.

19. I believe that all the Munsifs exercise Small Cause Jurisdiction as a rule,and Sub Judges also. After a cer- tain length of service as Civil Judges both classes may be invested with powers as proposed by the learned Chief Judge invariably.

(3). Inspection.

I agree. As we are responsible for District Judges also,perhaps we may settle each Judge's share every year and arrange.

(4). Calendars.

I agree to the limit proposed. But I think the other calendars that come to us should go to the District Magistrate or Sessions Judge.

(5). Proportion debitable to " Judicial ".

I am of the same opinion.

I have only to add that if abolition of courts and change of juris-dictions is resolved upon, we may get or ask Government to get the opinion of the bodies of Legal Practitioners and others similarly interested in the matter.

(Sd-) H.V. Nanjundayya.

5 : Aug 1906.

Mr. Justice P.S. Krishna Rao's Minute.

For want of time and more detailed information as to the cost of litigation and the outturn of work in the courts in British India, I feel I am not competent to make any useful remarks on the proposals made by the Retrenchment Committee. All I can say at present is that upon a perusal of the letter of the Committee, the note thereon by the Registrar of this Court and the observations of my learned Colleagues, the suggestions made by the Chief Judge appear on the whole to be the most practicable that can be thought of. In one respect, however, I beg respectfully to differ from him, and that is with regard to the conferment of Small Cause Jurisdiction on Judges of the Chief Court when they sit on the original side. In no part of British India, so far as I am aware, are High Court Judges called upon to exercise Small Cause Jurisdiction. There are special Small Cause Courts in the Presidency towns exercising jurisdiction upto Rs.2,000/- or more, and no objection can exist to such special courts being constituted in Bangalore if the finances will permit. But in the absene of such courts, the only other way in which extended jurisdiction on the Small Cause side can be conferred is (as has been done in British India) by increasing the Small Cause powers of Sub

Judges

Quite so. But for economy I propose to have the Chief Court which is to do the work of a District Court for Bangalore, and a head quarter Small Cause Court in one. We cannot afford a separate Small Cause Court.

(Sd-) A.E. Staley.

Judges and Munsiffs. In Madras all Sub Judges exercise Small Cause Jurisdiction up to Rs.500/- and the more experienced of the Munsiffs up to Rs.200/-. As we have now in our service many B.A's & B.L's, I see no reason why they should not be invested with higher jurisdiction than they are now permitted to exercise.

As regards the appointment of Law Reporter, there are manifest advantages in having as a Reporter a person who is a practising advocate of some years' standing and I am of opinion that the appointment should be reserved for the legal profession.

5.8.06. (Sd-) P.S. Krishna Rao.

By all means if the Government can afford it. But after all the reporting work is small.

(Sd-) A.E. Staley

Copy to

Bangalore,

~~20~~th August 1906.

Letter No 12 / 24-8-06 / Enclosure 1

From The Secretary, 24
to the Retrenchment Committee

To,

The Registrar,
Chief Court, Bangalore.

~~Sir,~~

By the Retrenchment Committee

I am directed to acknowledge the receipt of your confidential letter No.840/32 dated the 7th Instant, ~~containing~~ enclosing the minutes of the late Chief Judge and the other Judges of the Chief Court in the matter of effecting suitable retrenchments in the Judicial establishments in Mysore, and to state that the Committee express their thanks for the valuable suggestions made by the learned Judges

2. But before taking further action ~~they~~ the Committee desire to be favoured with the opinion of the present ~~learned~~ Chief Judge also, generally in regard to the proposals conveyed with my letter of the 25th ultimo, and more particularly ~~to~~ regarding the abolition of the District

of the Chief Court in this connection

~~also~~ is ~~earnestly~~ solicited.

5- I am to request that, the matter may be kindly treated as urgent and the Committee will feel highly thankful ~~if it secures a very early~~ for an early disposal ~~consideration at the hands~~ of the learned Judges.

I have &c.,

Secretary,
Retrenchment Committee.

The Court if thus located would be within very easy reach of the Gold Fields tract without being at undue proximity to it —

Supplemental Note on Law and Justice.

.....

On further consideration it is found possible that, by regrouping the Taluks for purposes of Civil jurisdiction under a Munsiff, 3 Courts viz., one at Doddaballapur and the other at Yedehalli can, without much hardship to the litigant public or much increase of work to other Munsiffs, be abolished. The saving thus effected will be approximately Rs.9,000 per annum.

2. The following Courts are found to have generally a very light file as compared with that of other Courts in the Province, while the file of even the heaviest Courts here such as Seringapatam is ~~presumed~~ believed to be very much smaller than the average file of the corresponding Courts in Madras.

It is only on the consideration of distance that the continuance of many of the under-mentioned Munsiffs' Courts can be justified.

District.	Location of Court.
Bangalore.	Doddaballapur
Kolar.	Kolar Gold Fields, Chickballapur
Tumkur.	Maddagiri.
Hassan.	Hole Narsipur
Kadur.	Yedehalli.
Shimoga -	Sagar.

67

The abolition of the Munsiffs' Courts at Chickballapur, Maddagiri, Holi Narsipur or at Sagar does not appear to be feasible on various considerations, the convenience of the litigant public being kept prominently in view. And a re-grouping of Taluks does not also allow of any reduction

The only Courts that can conveniently be abolished appear to be the ~~two~~ remaining ones - and no great hardship will be felt if a slight increase of work to and change of jurisdiction of certain other Courts at the same time be accepted.

2. The jurisdiction of the Doddaballapur Court at present extends over the Taluks of Nelamangala, Doddaballapur and Devanhalli, of the Bangalore District and the Goribednur Taluk of the Kolar District (one Hobli excepted). Since a Court at Maddagiri is to be maintained at all, for the sake of the frontier Taluk viz., Pavagada, the work of that Court may be strengthened by ~~xxxxxxxxxx~~ the addition of Goribednur. It should not be overlooked that the latter place is connected with Doddaballapur by Railway, but since the distance from Maddagiri is not much more than 20 to 30 miles by road, the objection may not be insurmountable. If this

arrangement

68

arrangement is not acceptable then the Goribednur Taluk may be attached to the Chickballapur Munsiff's Court and the Maddagiri Court which has apparently work for only 6 months in the year can alternately re ieve the Munsiffs at Tumkur and Bangalore, whenever the work at either of those places falls into arrears for valid reasons.

Ever since the transfer of the Munsiff's Court fr m their midst the people of Nelamangala appear to be complaining of the inconvenience they have been put to in having had to go to Doddaballapur. They may find greater convenience in going to Bangalore or to Tumkur instead, the journey to either of those places being mostly covered by rail.

The Taluks of Doddaballapur and Devanhalli are not very inconveniently situated with reference to Chickballapur, and both or either of the Taluks may be tacked on to the latter Court. If however it be considered that the work of that Court will be too much for a single Judge of average ability (which is rather unlikely as the file of that Court at present is very light) then either of the Taluks may be attached to the Bangalore Additional Munsiff, to relieve whom the greater portion of Hoskote Taluk may be added to

the Munsiff of Kolar. The proposals consequent upon the abolition of the Doddaballapur Court may stand thus:-

Taluk.		Munsiff at
Nelamangala.	to	Tumkur.
Goribednur, and Devanhalli.	"	Chickballapur.
Doddaballapur.	"	Bangalore.
Hoskote. (3 Hoblis of Hoskote, Jadigenahalli & Sulebele).	"	Kolar.

3. As regards Vedehalli Court, which has jurisdiction over only 2 Taluks viz., Tarikere and Koppa including Yedehalli Sub Taluk, it would appear that its abolition might cause some hardship only to the people residing in the frontier viz., by Sringeri, who will have to travel a distance of nearly 40 miles and over to go to Chickmaglur But it may here be pointed out that the distance which the people of certain parts of Koppa or Tarikere have to cover, if the Yedehalli Court is abolished, will not be more or even be so much aswhat the people of Kankanhalli in the Bangalore District, Volakalmuru in the Chitaldrug District, Pavagada in the Tumkur District or Hunsur in the Mysore District have to do.

Then again the people at Vedehalli (who have - by the

70

way - been accustomed to have justice at their very doors for so long) may not have cause for loud complaint if their sub Taluk is tacked on to Shimoga, where their subordinate and District Courts are or will be located. and where better legal advice is secured at no great loss of convenience.

As it has been proposed to abolish the sub Court at Chickmaglur, the abolition of the Yedehalli Munsiff's Court may not too much ~~increase the~~ work ~~of~~ th[ere] o[n] Chickmaglur Munsiff and the following change of jurisdiction is herein proposed.

Yedehalli Sub Taluk	to Shimoga.
Koppa and Tarikere.	to Chickmaglur.

4. If the Chief Court is agreeable and there are vital objections to the adoption of the above proposals, the minimum saving that will be effected i approximately as follows:-

2 Munsiffs 150 (2)	3,600
2 Establishment (216) - (2)	5,200
2 Contingencies &c.	200
In round figures.	9,000

16
2/8.

16
16/8/

Bangalore

D. O. dated 16. 8. 6.

From the Registrar of the Chief Court

Dear Mr. Srinivasa Iyengar

To the Secretary, Retrenchment Committee

I send enclosed the reply received this day from Mr Narayana Rao (Govt. Advocate) re the Retrenchment of his office Est.

Yours Sincerely

D Jagadisa Sastry

16. 6.

Bangalore 72

D.O. dated the 16th August 1906.

From The Govt. Advocate to the Registrar of the Ch. Court

Dear Mr. Rajagopalan Modaliar

With reference to the extract from the notes of the Retrenchment Committee forwarded with your D.O. of the 6th instant, I have to make the following observations.

1. There was only one clerk on the establishment of the Govt advocate till 1894. The work of his office having considerably increased, he had from time to time to apply to the Govt for an additional hand (Vide Govt. Advocates letters to Govt No. 72 dated 19.2.93, No. 263 dated 20.6.94. and No. 272 dated 28.6.94).

On a consideration of the quantity of work, the Govt was pleased to sanction the entertainment of a Second Clerk. (Vide the Govt: of Govt, Order No. 2687-8 dated August 1894.) The J. F. 315-92 work of the office has since increased a great deal. I append two Statements, one of which is a Copy of the Statement submitted to Govt by my predecessor as an Enclosure to his letter to Govt No. 72 dated 19.5.93 showing the then State of work in the office and the other shows the quantity of work done in the office during the last 5 years together the distribution of work between the two Clerks. From these

statements it will be noticed that the necessity which existed in 1894 for sanctioning a second hand Skill existed, but in a greater degree. If one of the two clerks were to be dispensed with, Copies of all proceedings will have to be obtained through Court at the expense of Govt. as was the practice some years ago. and I dare say, this Cost will greatly exceed the pay of the clerk. In these circumstances I am unable to advise the adoption of the recommendation of the Committee as to the reduction of one of the two Clerks

2. There are three peons on the establishment Two are on Rs 7 and one on Rs 6 a month. One of the peons is employed as office orderly. Another attend-

the Govt 75 Advocate's home office in the
morning, & take urgent papers and
in the afternoons he attends on the
office in the Public offices. The third person,
in addition to his ordinary duties in
office, works as a munshi (Vide the
order of Govt No. 5263-4 dated 5.11.96).
7603
peons take ill frequently and also
would now and then want leave
for a day or two on private affairs.
If any reduction were made in
this respect, great inconvenience
will be felt.

3. As to the proposed reduction of
the Contingent amount sanctioned for
this office, Rs 75/- may be taken off
on the Conditions named by the
Committee.

Yours Sincerely
S. Ramayanda Rao

Statement showing the amount of work turned out in the Office of the Government Advocate from 1884 to 1893

Years	Appeals against convictions by Sessions Judges	Appeals against convictions by Magistrates	Revision Cases	Petitions	Civil Cases	Total	Remarks
1884	36					36	
1885	20					20	
1886	57					57	
1887	61					65	
1888	59	"	4			59	
1889	65	"	"			65	
1890	55	2	3			60	
1891	43	28	"			71	
1892	57	92	59	12	6	219	
1893 (From 15th January to 15th April for 3 months)	18	28	7	6	2	61	

No Appeals against Convictions by Sessions Judges in 1892 — 257-4-7-0
Do in 1893 — 6 — Do — 230-4-6-1

Letters of Correspondence — Remarks — in 1892 — 33
" " — " — 1893

Bangalore

Copy
S. Rammyanarao
Govt Advocate

Signed S. Rammayya
Govt Advocate

Statement showing the amount of work turned out in the office of the Government Advocate for the past 5 years:-

No.	Years	Correspondence		References for opinion	Criminal				Civil		Total No. of Cases	Distribution of work
		Received	Issued		Appeals	Revision Cases	Revn Petitions	Petitions	Original	Appeal		
1	1901/2	553	299	49	150	14	5	6	3	4	132	Head Clerk 1. Correspondence requisitions. 2. Arranging for the postings of Cases & putting up references. 3 Copying of records in Cases Coming from the Mysore Division 4. Stationery and Contingent accounts and 5 General management of office
2	1902/3	564	360	60	156	27	16	21	1	2	223	
3	1903/4	556	331	44	168	27	26	21		3	245	
4	1904/5	461	273	37	163	40	18	12		5	238	
5	1905/6	652	360	65	179	48	39	14	1	11	292	Second Clerk - Copying records in Cases Coming from Bangalore and Shimoga Divisions. There is more than enough work for them. They work in the mornings also on many a day.

Bangalore

S. Narayana Rao
Government Advocate

G.O
No. 71.
Rec: 2.

From The Revenue Comm^r
To The Secretary, Retrenchment Committee

Revenue Commissioner's Office,
Bangalore, 30th Aug. 1906.

My dear Mr. Srinivasiengar,

I send herewith my Note on proposed reduction of Judicial Establishments.

I am,
Yours Sincerely,

B. Srinivasiengar Esq., B.A., B.L.,
Secretary, Retrenchment Committee.

NOTE ON PROPOSED REDUCTION OF

JUDICIAL ESTABLISHMENTS

As regards the comparative cost under "Civil Justice" in Mysore and elsewhere, I agree generally in the observations made by the Honorable Judges of the Chief Court. The number and value of suits in most of the Madras Districts being very much greater than in Mysore, area for area, I have got a note prepared comparing civil litigation in Mysore with that in the five Districts of Nellore, Cudappah, Kurnool, Bellary and Anantapur which form a compact block similar in many respects to Mysore. The figures comparing the litigation and its cost in the two areas, as explained in the note, will show that the slight excess in cost (in regard to the Establishment of Munsiffs particularly) is counterbalanced by the advantages the litigants in Mysore possess in having their Courts nearer their homes. But if the pay of the officers is taken into account our cost is not at all heavier. In this comparison the cost of the Chief Court

80

is not included as the constitution of that Court and the cost of its establishment depend upon other considerations.

2. The past history of Civil tribunals in the Mysore Province will also explain the reason for our having more courts than is justified by the number and value of the litigation. Till 1869, the Amildars, the Assistant Superintendents and District Superintendents (corresponding to the present Assistant Commissioners and Deputy Commissioners) had civil jurisdiction. In 1869 the civil jurisdiction was taken away from the District and Assistant Superintendents and eight judicial Assistants' Courts were constituted with jurisdictions somewhat similar to those of the present Subjudges. Between 1873 and 1875 the civil jurisdiction of the Amildars (about 100 in number) was abolished and 22 Munsiffs' Courts were constituted in their stead. Sir James Gordon who was then Judicial Commissioner was so solicitous to have the Courts within easy reach of the litigant public that many of

the

81

the Munsiffs were made to hold Circuit Courts in outlying Taluks for a month or so in every half-year to dispose of the less important and ~~of~~ uncontested cases. Subsequently this circuit system was abolished and a reduction was also made in the number of Munsiffs' and Sub judges' Courts. It is not necessary to refer to the other changes which were made from time to time . It will be seen however, from these facts that we have gradually increased the distances of the Courts from the homes of the litigants. From a review of the strength of the files of the several courts at present it will be evident that, if only the work of the courts and not the distance from the homes of the suitors and their other inconveniences were considered, we shall be able to manage with a smaller number of Munsiffs' Courts than we have at present. I refer to all these details simply to show that there is some justification for the large number of Courts in this Province in that we have thereby been able to reduce the inconvenience and

expense

82

expense of parties in attending the courts.

3. Now to come to the question of retrenchments, I think it very desirable to bear in mind the importance of the following considerations when making the reductions in the number of Courts.

(1) It is undesirable to subject local areas in one District to the Civil jurisdiction in another District.

(2) The people of one Taluk should not be compelled to resort to ~~aet~~ a Court at the Kasba of another Taluk unless the latter is on the way to the District Head Quarters or is an important place of trade or the people have been accustomed to such inconvenience at present.

(3) Rather than cause the inconvenience referred to in the above two clauses, it is better to have such Courts at the District Head Quarters where the people resorting to the Courts will generally be able to attend to other business of their own there.

4. I think the District Court at Bangalore may be abolished without any great inconvenience

inconvenience. Its Sessions work may, as before, be transferred to the Chief Court. The Subjudge at Bangalore may have all the Civil Jurisdiction of a District Court in addition to the small cause jurisdiction now vested in him. The work of the Chief Court comprising as it would of that of the Sessions Court and of the appellate jurisdiction of civil and criminal courts in the Bangalore Division in addition to the usual appellate and 2nd appellate jurisdiction over the remaining two Divisions may be found to be somewhat heavy, but the Court will probably be able to get through the whole work without any inconvenience.

5. Considering the Civil litigation in the Bangalore District, I think that three Munsiffs' Courts are quite necessary and that it will be more convenient to have all the three Courts located in Bangalore. The only alternative that seems possible is to locate one Court at Closepet having its jurisdiction conterminous with that of the Subdivision Officer there. If these three courts

are

are found to be more than is required for the present work, it will be expedient to transfer some of the work of the Subjudge by raising their jurisdiction and reducing the small cause jurisdiction of the Subjudge and provide for the transfer of a portion of the regular appeals from the Chief Court to the Subjudge.

6. The Maddagiri Munsiff's Court may be abolished and its jurisdiction transferred to the Munsiff of Tumkur. If a senior Munsiff with enhanced small cause jurisdiction be posted to Tumkur, he would be able to attend to the whole work without inconvenience. The people of Pavagada alone will have to go a great distance and might complain of the inconvenience. But as the number of suits filed from the Taluk averages at about 100 only per annum we may overlook it.

7. By the transfer of Dodballapur Munsiff's court to Bangalore, Goribidnur will have to be retransferred to the Chikballapur Munsiff's Court which will then have fairly sufficient

85

sufficient work. The three Munsiffs' Court in the Kolar District may not have, strictly speaking, full work, but two courts are not enough for the whole District nor is it possible to divide it conveniently among them, consistently with the requirements of the Gold Fields.

8. The work of the Seringapatam Munsiff is really heavy and perhaps a little too much for one man, taking into account the unhealthiness of the Kasba. If a portion of the Seringapatam Taluk (i.e. the hoblis to the south of the Cauvery river) be added on to the jurisdiction of the Principal Munsiff of Mysore, it will give him some relief. If Yedatore be added ~~on~~ as formerly to Hole-Narsipur the principal and additional Munsiffs at Mysore should be able to cope with the remainder of the present work. No change is needed in the jurisdiction of the Nanjangud Munsiff.

9. I am not very much impressed with the suitability of the proposal to reconvert the Hassan and Chikmagalur Sub courts into Munsiffs

Munsiffs' Courts. The comparatively light work or these Courts in recent years is due to the depression in Coffee Industry and the raising of their small cause jurisdiction. There is some perceptible improvement in Coffee Industry and the impetus that is given to the rubber cultivation may probably add to the importance of these two Districts Moreover if in the course of the retrenchment of the Revenue side, only one General Assistant Commissioner is left in the Hassan District besides the Subdivision officer at Saklespur, and the Subjudge with 1st class magisterial powers instead of those of an Assistant Sessions Judge would be very useful in disposing of important criminal cases and taking charge of the District Treasury occasionally when the General and Treasury Assistant Commissioners are away on Revenue Inspection and Jamabundi work. Similarly in Chikmagalur where there are only two Assistant Commissioners now, one for the Treasury and the other for general duty, the Subjudge may be invested with 1st class powers in-

stead

87

instead of those of an Assistant Sessions Judge to dispose of important criminal cases and he will also be available for charge of the Treasury when the Assistant Commissioners are absent from the Head Quarters on ~~it~~ other duty. Moreover if the Yedehalli Munsiff's Court is abolished and its jurisdiction added on to the Subjudge, it will be found advisable to invest the Subjudge at Chikmagalur with extended small cause powers

10. I suggest that the Munsiff's Court at Yedehalli may be abolished. The people of Yedehalli and Koppa might plead the inconvenience of having a greater distance to traverse, but as the litigation in these parts is light, their inconvenience may be disregarded.

11. As for Chitaldrug there is only one Munsiff for the whole District and he is likely to have enough to do.

12. In the Shimoga District, the Honnali Munsiff's Court was only lately abolished and the Shimoga Munsiff is likely to have sufficient work. The Munsiff at Sagar has perhaps

comparatively

88

comparatively light work but I am unable to suggest anything better than that he might in the monsoon be deputed to assist if neces sary the Shimoga Munsiff in clearing off arrears.

13. In conclusion, I may briefly state that the reductions that I advocate consist of the abolition of the District Court in Banga lore and the Munsiffs' Courts of Maddagiri and Yedehalli. We shall then have 2 District Courts, 5 Sub Courts and 15 Munsiffs' Courts. I do not think it advisable to make any re- duction in the establishments of the Courts.

Revenue Commissioner.

28th August 1906.

Memo

As directed I have drawn up two statements, one showing the comparative average litigation in Mysore and the five Madras Districts bordering on Mysore viz., Nellore, Cudappah, Kurnool, Bellary and Anantapur for the three years 1901-03, and the other the scale of establishment in the several Courts

2. It will be seen from statement No.I that if the area of reserved forests be excluded, the area of Mysore as well as of the Madras Districts are approximately the same (viz., 27,100 and 29,600 respectively). The density[x] and litigiousness[※] of the two places are not very widely different and hence the comparison with reference to the cost of the Judicial establishment or the number of courts for adjudication in both the places may not be quite unsafe.

[x] Density of Population deducting forest area.

Madras. 182. per Sq. mile.
Mysore. 200. —"— —.

[※] No. of Suits for 8 per 10,000 of the Population

Madras —— 43
Mysore. —— 37.

3. The existing permanent Courts in the Madras area are 4 District and 15 Munsiff Courts against three District, 5 Sub and 17 Munsiff Courts here. The total cost of establishment per mensem in the two areas is calculated at 5,600 and 7,300 Rupees per mensem respectively. Except in regard to Munsiffs the pay of judicial officers in Madras is very much more than what it is here and if that is also taken into consideration it is evident that the total cost of the several Courts in the Madras area would exceed that in Mysore. Moreover it must not be overlooked that litigants have generally to travel a longer distance in Madras than in Mysore and in the Districts of Nellore and Bellary and Anantapur it appears that a

90

a distance of about 70 miles has to be covered to reach the head-quarters of a Munsiff, and as will be seen in column 13 of statement No. I the average area for each Munsiff in the Madras area is half as much again as it is here.

4. Statement No. II shows the monthly cost and scale of the several Civil Courts in the Madras Districts and in Mysore, viz., ₹700, 380 and 180, as against 620,350 and 220 per mensem for the District, Subordinate and Munsiffs Courts respectively. It will thus be seen that except in the case of Munsiff Courts, where the scale is not uniform, the cost of our establishment is also cheaper than that of Madras. And if a certain reduction in the menial establishment here, which appears to be comparatively heavy, be effected, the cost of a Munsiff's Court as well, will compare favorably with that in Madras.

5. On the other hand the number of Courts here for the reason stated above is more than what it is in the Madras area and it is possible that if the number of Courts be lessened the administration of justice will perhaps be made more inconvenient to the litigants. There is no doubt of the fact that in Mysore better facilities for administration of justice are afforded than in the Madras area under comparison, for though the average number of civil suits is about 3000 less here, the number of appeals is comparatively more partly on the score of differences in judicial procedure and partly on the fact of less cost to the litigant.

* Longest distance to the Munsiff Court.
Madras —— 70 miles.
Mysore —— 60. Do.

* Average area of a Munsiff jurisdiction —
Madras. —— 2000 Sq. miles.
Mysore. —— 1400 Sq. miles

x. Menial Establishment of a Munsiff.
Madras. N°-4. Cost 27/-
Mysore " 6 " 36/-.
I do not think that any reduction can be made.
Supt, A.R.

Average N° of Suits & appeals for 3 years.

	Madras.		Mysore.	
Original	9700	Total 22300	10900	Total 19100
S. Cause.	12600		8200	
Appeals	850.		1080.	
Second Appeals	108.		178	

91

6. Then again in Madras there are village Munsiffs and Panchayets who settle petty disputes without cost to Government and no great hardship might perhaps be felt there, by the Courts being located at pretty longer distances than here. Railway and other communications might also be conducive to ~~shorter distances~~ minimise the inconvenience.

7. It ~~is~~ therefore appears that, with the reduction ~~is~~ in the number of existing Court by 3, viz., 1 District and 2 Sub Courts, the Dodballapur and Yedehalli Courts being at the same time transferred from those places to Hassan and Chikmagalur, the cost of the judicial establishment here will be made much less than what it is in Madras and no further reductions seem advisable in the interests of the litigating public.

Sd/ B. Srinivasa Iyengar

Secretary, Retrenchment Committee.

20th Aug. 1906.

"COPY"

Revenue Commissioner

Retrenchment in the
Judicial Estab
Expenses

25/3
08

Statement showing the average litigation etc of My
for 3 years 1901-1903.

92

Districts	Total area Sq. miles	Reserved Forests Sq. miles	Net area Sq. miles round nos.	Population in thousands	Density In hundreds	Average number of suits instituted. Before village Courts	Before Revenue Courts	Before Civil Courts: original	Small causes	Total	Average number of appeals. Before District & Sub Courts	Before High Court: 1st appeals	2nd appeals	Total number of appeals
Nellore	8761	734	8000	1497	187	25	13	26	75	101	204	16	33	25
Cuddapah	8723	2241	6500	1291	231	6	-	27	23	50	193	7	26	22
Bellary	5714	601	5100	947	186	5	-	19	12	31	158	6	21	18
Anantapur	5557	510	5000	788	157									
Kurnool	7578	2535	5000	872	174	22	-	25	16	41	189	6	28	22
Total 5 Districts.	36333	6621	29600	5395	182	58	13	97	126	223	744	35	108	88
Total Mysore	29429	2287	27100	5450	200	-	-	109	82	191	547	357	178	108
Bangalore	3079	339												
Kolar	3178	155												
Tumkur	4158	213												
Vandidurg	10415	707	9700	2212	218	-		40	39	79	-	-	-	
Mysore	5509	536												
Hassan	2647	192												
Shimoga	8156	728	7400	1864	252	-		42	24	66	321	-	-	
Kadur	4025	348												
Chitaldrug	2811	203												
Nagar	4022	305												
	10858	856	10000	1394	139	-		27	19	46	226	-	-	

4 4 3

93

10V 5 3

ore district and of those of Madras bordering on Mysore

Total number of civil suits & appeals in Number	average number of civil suits & appeals per 10,000	average number of civil suits and appeals per 100 sq. mile (excluding forests)	Class and number of permanent tribunals				Average area for each munsiff (excluding forests)	Longest distance from the Hdqrs. of a munsiff	average tile of each munsiff Or & Re.	Average monthly cost of Civil Court Cost. Statement No. II.			Remarks.
			District Courts	Sub Courts	Munsiff Courts	Total				District Courts	Sub Courts	Munsiff Courts.	
104	70	119	1	-	4	5	2000	60-70 miles	2500	699	-	182	
52	40	80	1	-	4	5	1600	50	1250	699	-	-	
33	19	33	1	-	3	4	3400	60-70	1000	699	382 X	-	X not in existence.
43	50	100	1	-	4	5	1250	50	1000	639	-	-	
232	43	78	4	-	15	19	2000	-	1400	2736	-	2870	5600
202	37	75	3	5	17	25	1400	-	1000	1902	1735	3672	7300
83	38	86	1	1	8	10	1200	40-50	900	661	359	216	
70	37	95	1	2	5	8	1250	40-50	1100	621	359	216	
49	35	49	1	2	4	7	2000	60	900	621	339	216	

"Copy"

(Sd.) S. Srinivasacharyar
Secretary Retrenchment Committee

H. Sub[illegible]
Revenue Commissioner

V. 2. 4

II. Statements shewing the comparative scale of

Province and Class of Court	Sheristadar Pay Rs.	Clerical Establishment 1	2	3	4	5	6	7	8	9	10		
District & Sessions Judges												× Only one each in Kurnool Dist.	
Madras	150	100	75	50	40	30	25(2) ×	20(2) ×	17½(2)	15(2) ×	20-1-35		
Mysore	100	70	50(3)	40	35	30	25(2)	20(2)	15(2) (a)	10	—	(a)	Only in Bangalore.
Subjudges													
Madras	100	60	35	25	20(3)	17½(2)	15(2)						
Mysore	60	40	30	25(2)	20(4) (c)	15	10						
Munsiffs													
Madras	40	30	20	17½	17	15(2) (d)				(d) 3		in Nellore Courts.	
Mysore.	35	25(2)	20(2)	15(3)	10	—				Scale not uniform			
Total													
Madras	2736	+	2870	=	5600	per mensem approximately							
Mysore	1900	+	1735	+	3700	= 7300	—		do		—		do

ivil Court Establishment in Madras and Mysore

Total no.	Total monthly cost of clerical Establishment Rs.	Menial Establishment 1	2	3	4	5	6	Total no.	Total cost of menial Establishment Rs.	Total monthly cost of Establishment.	No. of Courts in the Madras area & Mysore	Total monthly Cost Rs.
4	485	10(3)	7(4)	6	-	-	-	8	64	699	4	2736
2	425	12	(6) 10(2)	8	7(4)	6(3)	5(2)	13 (6)	96	621	3	1903
0	245	10	8	7(2)	5	-	-	5	37	382	-	
0	225	10	8	7(2)	6(2)	5(2)	-	8	54	339	5	1735
5	115	8	7(2)	5				4	27	182	15	2870
8	145	7	6(4)	5				6	36	216	17	3700 approximately
		1	2	2	2	2	2	2		2	2	

(b) one in excess in Bangalore.

(c) one in excess in Bangalore and Mysore

Scale not uniform

A.B.

exclusive of Process Establishment

do

(Sd) B. Srinivasiengar
Secretary, Retrench-
ment Committee

Copy

K Subba Rao
for Revenue Commissioner

Confidential No: 1641/90

94

Bangalore, dated 21st September 1906.

From

V.A. Raja Ratna Mudaliar Esq.,

The Registrar of the Chief Court of Mysore.

To

B. Srinivasa Iyengar Esq.,

The Secretary, Retrenchment Committee,

Bangalore.

Sir,

With reference to your letter, confidential No.12 dated the 24th ultimo, I am directed to state that the Chief Judge is strongly in favor of the abolition of the court of the District and Sessions Judge, Bangalore. The following statement shows - the work done by this court in the last four years.

1902-3.

Civil.		Criminal.
2 Ori. Suits, 16 Appeals	.....	30 Sessions Cases.

1903-4.

6 " 72 "	.....	57 " "

1904-5.

5 " 47 "	.....	57 " "

1905-6.

7 " 1 "	.....	67 " & 8 appeals

2. These figures show that with the exception of the disposal of Sessions Cases the Judge does very little work. He tried in these years on an average 53 Sessions Cases but only 5 civil original suits. He did very little appellate work. In 1905-6 he tried 67 Sessions Cases which employed him for 122 days. In the remaining 120 working days in the year he disposed of 7 O.S and 1 Civil R.A. and 8 Criminal Appeals and a little miscellaneous work, i.e. about 20 days work. What the Chief Judge proposes that the Chief Court should for the future try the Sessions Cases from Bangalore, Kolar and Tumkur while the Bangalore Sub

Judge

Judge can with ease do the Civil Cases in addition to his present work. The Chief Judge would abolish the circuit system and try all the Sessions Cases in Bangalore. The Chief Court can with ease do this additional work. The number of sittings has recently been raised by the Chief Judge from 3 to 4 a week and they can be raised to 5 if found necessary, without an undue burden being thrown on the Judges.

3. The proposal to abolish the Munsiffs' Courts at Dodballapur and Yedehalli appears to the Chief Court to be feasible. The redistribution of Taluks now attached to the former Munsiff's court may with advantage be differently arranged. The number of suits from the Nelamangala Taluk, judging by the figures of 4 years (1901-2 to 1904-5), is 185 Original and 100 Small Causes in the year. The average of the Tumkur Munsiff's file is 750 Original Suits and 500 Small Causes and the addition, therefore, of the Nelamangala Taluk to the jurisdiction of that Munsiff will swell the file considerably. Since the transfer of the Nelamangala Munsiff's Court to Dodballapur in May 1901 the people of Nelamangala have been asking either that the court may be retransferred to their station or that their taluk may be attached to the Bangalore Munsiff's Court. The Principal Munsiff of Bangalore exercises jurisdiction over the Bangalore Town and Taluk only and since the raising of the Small Cause Jurisdiction of the Sub Judge to ₹300 in January 1903, the Munsiff's file of original suits has become appreciably less. In 1901-2 the number of suits instituted was 763 and the numbers since then are 586, 401 and 344. It will therefore be well to transfer Nalamangala to the jurisdiction of the Principal Munsiff of Bangalore. Goribidnur contributes 135 Original and 50 Small Cause Suits in the year. This Taluk with the exception of the Manchanahalli hobli now within the jurisdiction of the Chikballapur Munsiff may conveniently be attached to the Maddagiri Munsiff who has a very light file (280 O.S.& 160 S.C.). The Chikballapur Munsiff's file is also very light as observed in the Committee's Note. Instead of Goribidnur and Devanhalli, Dodballapur and Devanhalli Taluks can be tacked on to that court. It will be more convenient to the people of Dodballapur to

go

96

go to Chikballapur than come to Bangalore - a longer distance, though connected by rail. The increase to the Chikballapur Munsiff's file will be 330 O.S. & 190 S.C.. This disposes of all the Taluks now comprising the territorial jurisdiction of the - Dodballapur Munsiff and the Hoskote Taluk may remain attached to the Bangalore Additional Munsiff's court as at present.

4. The Taluks forming the area of the Yedehalli Munsiff's jurisdiction may be distributed as proposed in the note, Koppa and Tarikere to the Chikmagalur Court and Yedehally Sub Taluk to the Shimoga Munsiff's court. The average number of suits from Tarikere is about 160 O.S. & 50 S.C. and from Koppa (including Yedehalli Sub Taluk) is 220 O.S. & 65 S.C. and there is a tendency towards decline in the number of suits from that Taluk, probably owing to decline of the coffee industry.

5. There remains the suggestion as to the recently established Kolar Gold Fields Munsiff's Court. Prior to ~~1903~~ 1893 the Bowringpet Taluk was within the jurisdiction of the Kolar Munsiff but in July of that year the special Magistrate of the Kolar - Gold Fields was invested with powers of a Munsiff and the Taluk was assigned to him to promote the convenience of people working on the Fields. In January 1901 the then Special Magistrate (Mr Plumer) represented that he had no time for civil work and he was accordingly divested of his Civil Jurisdiction in September 1901. The Taluk was retransferred to the Kolar Munsiff who was directed to hold his court periodically at the Gold Fields for hearing cases connected with the Fields. This state of affairs continued until the close of May 1903 when the Dewan wrote demi officially to the Chief Judge asking if it will not be well to have a separate Munsiff for the Gold Fields with jurisdiction - over Bowringpet, Mulbagal and Malur, the Munsiff being also invested with magisterial powers to afford relief to the Special Magistrate. This proposal was acceded to by the Chief Court file of the Kolar Munsiff became very light and the people of - Mulbagal and Malur also bagan to complain of the inconvenience of their having to go to the Gold Fields. The former Taluk was

transferred

transferred to the Kolar Munsiff in January 1905 and the latter has also been assigned to him with effect from the 1st instant. The Gold Fields Munsiff now has only one Taluk (Bowringpet)and there will be no inconvenience if this also is transferred to the Kolar Munsiff and his court located at Bowringpet which is close to the Gold Fields. The Gold Fields Munsiff's Court is at present a very costly court. The court is held in a rented building for which Rs.125 a month have to be paid and the Munsiff and his establishment are - given local allowances to make up for the cost of living on the - Fields. This Munsiff's court may in the opinion of the Chief Court,be abolished. A note by Mr Justice Nanjundayya regarding the proposal to remove the Kolar Munsiff's Court to Bowringpet is enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

T. Rajakotaiah

Registrar

Jis

98

Note by Mr Justice Nanjundayya.

There is not enough of work in Kolar Gold Fields for a Munsif. But if the court cannot be abolished, I think the removal of the Kolar Court to Bowringpet is not the proper alternative. Bowringpet is not such a convenient place as Kolar for parties to lodge &c., and it is putting people from the Taluks of Kolar, Chintamani, Srinivasapur and Mulbagal to much inconvenience. Kolar is already losing its importance and may still further suffer if the court also is taken away.

@@@@@@@@@@@@@@@@@@@@@

99

№ 1737/96

№ 1737/96

Bangalore, dated 1st October 1906.

From

V.A. Raja Ratna Mudaliar Esq.,

The Registrar of the Chief Court of Mysore.

To

B. Srinivasa Iyengar Esq.,

The Secretary, Retrenchment Committee.

Sir,

In continuation of my letter No.1641/90 dated the 21st ultimo I am directed to send the enclosed copy of Mr. Justice Nanjundayya's note, the first paragraph of which - was sent with the above letter.

I have the honor to be,

Sir,

Your most obedient servant,

Raja Ratna Mud

Registrar.

Note by Mr Justice H.V. Nanjundayya.

-::0::-

There is not enough of work in Kolar Gold Fields for a Munsif. But if the court cannot be abolished, I think the removal of the Kolar Court to Bowringpet is not the proper alternative. Bowringpet is not such a convenient place as Kolar for parties to lodge &c., and it is putting people from the Taluks of Kolar, Chintamani, Srinivasapur and Mulbagal to much inconvenience. - Kolar is already losing its importance and may still further suf -fer if the court also is taken away.

Many cases which are now Small Causes will become regular if the Sub Judge's court is converted into a Munsiff's court in Chikmagalur. The Malnad officers cannot on account of the climate &c., work so hard as those in the Maidan. I fear that we shall soon find that both Shimoga and Chikmagalur courts will - not be able to get through all the work.

I think that some of the courts such as Srirangapatna, Nanjangud and Tumkur may soon need relief; and if we readjust jurisdictions, it may after all be found that we shall have to retain even the Dod-ballapur court perhaps in a more convenient place.

We have lately abolished one court, and we have been in my humble opinion trying experiments and altering courts and jurisdictions more often than is desirable of late. I find it difficult to believe that there have been so many unnecessary courts in the State as these proposals of reduction seem to imply.

Of course, any rearrangement would work, and the result will be visible only after some years, either in deterioration of -- quality or in accumulation of arrears. As however Government - can always revise the scale whenever found necessary, I see no

harm

harm in carrying out what may be considered fair, comparing the amount of work in other important Departments such as Revenue.

20-9-06. (Sd.) H.V. Nanjundayya,

Dated Mysore, 27th

From

C. Srikanteswara Aiyar Esquire, B.A., B.L.,

Deputy Commissioner, Kolar District

To

V.A. Rajaratna Modaliar Esquire,

Registrar, Chief Court of Mysore

Sir -

With reference to your docket No. 1906, calling for my opinion on the sugges Judge of the Nandidroog Division to transf Fields Munsiff's Court to Bowringpet, I ha as follows:-

2. The question of location of a Civil C Gold Fields is as old as the growth o [redacted] the progress of the Mines Industry. Several experiments wer tried from time to time - firstly, of allowing the Special Magistrate at the Fields to dispos of the Civil litigation addition to his own duties; then, of permitting the Kolar Munsiff to hold his Court periodically at the Fields for disposal; next, of constituting a separate Munsiff's Court with Jurisdiction over the Taluqs of Mulbagal, Kolar and Bow ringpet (including the Gold Fields) and, as both the Criminal and Civil work at the Fields increased, of investing th Munsiff of such Court with Magisterial powers over the Gold Fields area - and as all of them fell much short of the requirements, the present Munsiff's Court has come to be at it is with Jurisdiction over Bowringpet Taluq only. The joint statement shows that during the past 3 years the Munsiff's Court has been in existence at the Gold Fields, about of the parties and witnesses resorting to it from this Taluq those residing within the Sanitary Board area that has largely contributed to the steady march of litigation ke ing with the traditions of Trade and Commerce partak

facilities afforded.

Sanitary Board Area						Rest of Bowringpet Taluq.					
Suits						Suits					
Original.	Small cause	Total	Plaintiffs	Defendants	Witnesses	Original.	Small cause	Total	Plaintiffs	Defendants	Witnesses
214	151	365	387	456		122	82	204	288	316	
270	222	492	558	758		146	124	270	376	362	
378	335	713	892	1171		164	167	331	424	382	
862	708	1570	1837	2385	1191	432	373	805	1088	1060	846

3. The great majority of these parties and witnesses being the Mines' employees or in one way or the other connected with them, the Mining Board, to whom Time is of paramount importance, have always urged the necessity of dealing with them on the spot. As far as the Legal Profession and other parties are concerned, the Gold Fields is found to be more convenient than, and preferable to, Bowringpet on various grounds, the chief of which being, they have so much to do in their daily routine with the Criminal Courts, Trade and the large floating population, at the Fields, and Bowringpe is a very costly and unhealthy place with no convenience or accommodation for the litigant Public.

4. From a financial point of view, the appended statement of receipts and charges of the said Munsiff's Court will show that, with the progress of litigation facilitated by speedy remedy and prompt relief, the savings have gone on gradually increasing and during last year it stood at Rs. 4500. Thus, this Court intended for a special locality to meet special circumstances does not cost the Government

anything, but has been admirably answering the purpose for which it was started, yielding a surplus Revenue as well to Government.

5. Therefore, all circumstances considered, it seems neither expedient nor necessary to transfer the Munsiff's Court to Bowringpet, but more improvement is desirable and can be effected by arranging to locate it in Champion Reefs, next to the Special Magistrate's Court, instead of at Robertsonpet as at present.

I have the honor to be

Sir,

Your most obedient servant,

Sd/ [illegible]

Deputy Commissioner,
Kolar District.

Appendix

Year.	Civil side.			Criminal Side.			Total			Remarks.
	Receipts	Charges*	Savings	Receipts	Charges	Savings	Receipts	Charges	Savings	
1903-04× (for 9 months)	9,240 4 "	9,135 7 3	104 12 9	189 8 "	23 8 "	166 " "	9,429 12 "	9,158 15 3	270 12 9	
1904-05	13,866 8 10	12,206 5 3	1,660 3 7	165 14 "	4 13 "	161 1 "	14,032 6 10	12,211 2 3	1,821 4 7	
1905-06	16,152 6 "	12,147 11 "	3,972 11 "	528 11 "	34 11 "	494 " "	16,681 1 "	12,214 6 "	4,466 11 "	
Total.	39,259 2 10	33,521 4 6	5,737 11 4	884 1 "	63 " "	821 1 "	40,143 3 10	33,584 7 6	6,558 12 4	

× The Court was established with effect from 1st October 1903.

* This includes the total expenditure on house-rent, local allowances, Salaries and Contingencies. —.

107

G.R.S. 26]

C.S. File No. 103-0
Serial No. 2

Diary No. of letter replied to

No J-13306
Chi 103,06-2
19/11/06

General and Revenue Secretariat
( )
, the 190

Date of issue 19-11-1906

Signed by Mr. V. Mathew

To The Comptroller
Mysore Govt

Sir,

I am directed ~~Have the honor~~ to request you ~~the Comptroller~~ to be so good as to ~~furnish~~ Mysore Govt at an early date lists shewing the sanctioned establishments (clerical & menial & process) of the District & Sessions Court, Bangalore the Sub-Judge's Courts at Hassan & Chikmagalur and the Munsiff's courts at Doddaballapur & Yedahalli & (2) the menial establishments of the other District Courts, the other Sub-Courts

over

SUBJECT.

108

the other Munsiff's Courts
the Courts of City Magistrates,
Mysore & Bangalore and
the Kolar Gold Fields
Magistrate.

Have to

[redacted]

to

for Secretary

SN
14-11-06

SN 15/11/06.

List of enclosures

Copied by MC 17-11-06

Examined by SN 17/11/06

GPB—10,000—20-4-06.

READ—

Memorandum by the Committee appointed in Government Order No. Fl. 7166-211, dated the 30th April 1906, on the possibilities of retrenchment in the Judicial Department of the State.

No. J. 1400-1406—CTS. 103-06-3, DATED BANGALORE, 27TH NOVEMBER 1906.

ORDER THEREON. —The proposals made by the Retrenchment Committee are briefly as follows:—

(1) The abolition of the District and Sessions Judge's Court at Bangalore and the re-investment of the Chief Court with original Civil and Criminal jurisdiction over the Bangalore Division.

(2) The abolition of the two Subordinate Judges' Courts at Chikmagalur and Hassan and the re-establishment of Munsiffs' Courts instead.

(3) The abolition of the Munsiffs' Courts at Yedahalli and Dodballapur, and of the temporary Second Additional Munsiffs' Courts at Bangalore and Mysore.

(4) The abolition of the appointment of a separate Law Reporter.

(5) The reduction of menial establishments in all the Courts.

(6) The reduction of the contingent allotment of the office of the Government Advocate.

(7) The abolition of local allowance to the District Judge of Shimoga.

2. Government consider that the number and location of the several classes of Civil Courts in Mysore require revision in certain particulars, in the light of past experience, of public convenience, and of the financial position of the State. An examination of the figures showing receipts from, and expenditure on, judicial tribunals in Mysore during the past decade shows that the ratio of increase in expenditure has been much greater than that of the increase of revenue. It is also found that while there has been an inordinate increase in expenditure, the amount of work to be done has not materially increased and is proportionately lighter than that in Madras and elsewhere. In fixing the number of Courts the principal consideration to be borne in mind is the cutting down of expenditure to the minimum compatible with the efficiency of judicial administration, due regard being had also to the convenience of the public. The proposals of the Retrenchment Committee have mainly this end in view, and after giving the matter very careful consideration, the Government have decided to adopt these proposals.

3. The District and Sessions Court at Bangalore with all its establishment (except the establishment in charge of records) will be abolished with effect from the 1st July 1907, and the Chief Court will have from that date, original Civil and Criminal jurisdiction over the Bangalore, Kolar and Tumkur Districts. Simultaneously with this measure, unlimited Civil jurisdiction will be conferred on the Sub-Judge at Bangalore, who will also be appointed Assistant Sessions Judge for the Bangalore Division, and the circuit system of Sessions will be abolished in the Bangalore Division. The above proposal has been accepted by the Chief Court, both the retiring Chief Judge (Mr. Justice Staley) and the present Chief Judge (Mr. Justice Moore), who have had considerable experience of the working of the judiciary in British India, being strongly in favour of the measure.

4. Other proposals made by the Chief Court and recommended by the Retrenchment Committee to give greater relief to the Chief Court and lighten the work of all the Courts, *viz.*, the amendment of the Civil Courts Regulation so as to enable Government to confer increased small cause jurisdiction on Munsiffs of some standing in the service, and the repeal or amendment of Section 584 (*d*) of the Civil Procedure Code in regard to second appeals as to questions of fact, are under investigation.

126 D

5. The Subordinate Judges' Courts at Chikmagalur and Hassan and the Munsiffs' Courts at Yedahalli and Dodballapur will be abolished from the 1st July 1907. The Second Additional Munsiffs' Courts at Bangalore and Mysore have already been ordered to be closed. In place of the two Sub-Courts to be abolished, Munsiffs' Courts will be established at Hassan and Chikmagalur—the former with jurisdiction over the taluks over which the jurisdiction of the present Sub-Court extends, and the latter with jurisdiction over the whole of the Kadur District, except the Yedahalli Sub-Taluk, which will be assigned to the Munsiff of Shimoga. On account of the abolition of the Dodballapur Munsiff's Court, the Nelamangala Taluk will be added to the jurisdiction of the Principal Munsiff of Bangalore, the Dodballapur and Devanhalli Taluks to that of the Munsiff of Chikballapur, and the Goribidnur Taluk (with the exception of the Manchenahalli Hobli, which is under the jurisdiction of the Chikballapur Court) to that of the Munsiff of Maddagiri.

6. The appointment of a separate Law Reporter being unnecessary, it will be abolished with effect from the 1st January 1907. The permanent establishment of the Chief Court under the supervision of the Registrar will hereafter perform the duties of law-reporting without extra remuneration, and report the cases marked by the Judges for the purpose.

7. A reduction in the menial establishments of all the Courts is considered possible. Eight menial servants in the Chief Court, 4 on Rs. 8 and 4 on Rs. 7; 2 peons in each of the remaining District Courts, 1 on Rs. 7 and 1 on Rs. 6; 3 peons in each of the remaining Sub-Courts, 2 on Rs. 7 and 1 on Rs. 6; 2 peons on Rs. 6 in each of the remaining Munsiffs' Courts; 2 peons on Rs. 7 and Rs. 6 in each of the Courts of City Magistrates; and 1 peon on Rs. 8 in the Court of the Special Magistrate, Kolar Gold Fields, will be dispensed with. The Committee propose to consider the question of further reducing the menial establishment of the Chief Court in connection with the general question of reducing the menial establishments of all Head-quarter offices. These proposals will be awaited.

8. The contingent allotment for the office of the Government Advocate will be reduced from Rs. 400 to Rs. 200 from the year 1907-08.

9. The local allowance of Rs. 150 to the District Judge of Shimoga will also be abolished; but this will take effect only when the present incumbent is transferred. The question of abolishing the local allowances of other officers has been separately dealt with by Government.

10. The financial results of the above retrenchments are approximately shown below.

I. Chief Court—

		Rs.
1. Reduction of menial establishment (4 × 8 + 4 × 7) × 12	...	720
2. Abolition of a separate Law Reporter (Rs. 150 × 12)	...	1,800
3. Reduction in the contingent allotment of the Government Advocate.		200
Total I	...	2,720

II. District Courts—

1. Bangalore		
(*a*) Average pay of District Judge	...	12,000
(*b*) Establishment (Clerical and menial but exclusive of Records) (Rs. 536 × 12)	...	6,432
2. Mysore and Shimoga—		
Menial establishments (2×7+2×6) ×12	... ...	312
Total II	...	18,744

	Rs.
III. Sub-Courts—	
1. Average pay of 2 Sub-Judges (2 × 450 × 12) ...	10,800
2. Establishments of Sub-Courts at Hassan and Kadur (Clerical and menial but not including process establishment) (359 + 339) × 12	8,376
3. Reduction in menial establishments of the other 3 Sub-Courts 3 × (2 × 7 + 1 × 6) × 12	720
Total III ...	19,896
IV. Munsiffs' Courts—	
1. Abolition of 2 temporary Courts at Bangalore and Mysore. Minimum pay of Munsiffs (2×200×12)	4,800
(Note).—The two Munsiffs' Courts at Dodballapur and Yedahalli and their establishments may for purposes of calculation be considered to be transferred to Chikmagalur and Hassan.)	
2. Reduction of the menial establishment of 17 Munsiffs' Courts by two peons each (2×6 × 17 + 2×2) ×12	2,496
3. Deputy Nazirs at Yedahalli and Dodballapur (2×20×12) ...	480
Total IV ...	7,776
V. Local allowance to District Judge of Shimoga	1,800
VI. Menial establishments of 2 City Magistrates and Kolar Gold Fields Magistrate (2×7 + 2×6 + 8 + 1)×12	420
Total I to VI ...	51,356

11. The above reductions involve the throwing out of employment of 36 and 88 hands in the clerical and menial establishments respectively. The Registrar of the Chief Court will be requested to submit a list of the men thus thrown out of employment. Attempts will be made in communication with Heads of Departments and Deputy Commissioners to find other employment for these men, but all those who are not fit for other employment or for whom employment cannot be found will be retired on compensation or other pension to which they may be entitled.

12. The process establishments of the Courts of the Sub-Judges of Chikmagalur and Hassan will remain. As regards the process establishments of the Yedahalli and Dodballapur Courts, the appointments of Deputy Nazirs in both the Courts will be abolished. The Chief Court will be requested to state how many of the amins and process servers of these two Courts will have to be transferred to the process establishments of the Courts among whom the taluks comprised within their jurisdiction have been distributed and how many of the hands may be dispensed with.

13. The Registrar of the Chief Court will be requested to submit for approval drafts of the notifications required to give effect to the alterations in the jurisdiction of the Courts ordered above.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar, Chief Court.
The Comptroller in Mysore.
The Government Advocate.
D. Venkatramiah, Esq., Advocate and Law Reporter to the Chief Court.
The Deputy Commissioners of Bangalore, Mysore and Kolar.

Exd.—C. V.

1906-07

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL (COURTS)

PROCEEDINGS

Dated 27th November 1906

No. J. 1400-1406
Cts. 103-06-3

Ordering certain retrenchments in the Judicial Department of the State.

GPB—15-12-06—500

No. 3133 E8

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT

Dated Bangalore, the 3rd ~~November~~ December 1908.

FROM

RAI N. G. BASU BAHADUR, M.A.,

The COMPTROLLER, MYSORE GOVERNMENT.

To

K. S. Shendrasekhara Iyer, Esq., B.A.B.L.

The SECRETARY TO THE GOVERNMENT OF MYSORE,

General and Revenue DEPARTMENTS.

SIR,

In acknowledging receipt of your letter No.J.1336/Cts 103-06-2 dated the 19th Instant, I have the honor to forward herewith the lists showing (1) the sanctioned establishments (Clerical, Menial & Process) of the District and Sessions Court, Bangalore the Sub Judges' Courts at Hassan and Chickmaglur and the Munsiffs Courts at Dodballapur and Vedahalli, and (2) the Menial Establishments of the other District Courts, the Sub Courts, the other Munsiffs Courts, the Courts of City Magistrate Mysore and Bangalore and the Kolar Gold Fields Magistrate.

I have the honor to be,

Sir,

Your most obedient servant,

Comptroller.

.....Department.

190

From

Rai N. G. Basu Bahadur, M.A.,
Comptroller, Mysore Govt.

To

.....Esq.,

Secretary to the Govt. of Mysore,

.....Dept.

Dated

Despatched

Received

No._____

Subject Matter.

Bangalore District

No. of Servants	Name of appointments	Rate of pay	Amount	No. of Servants	Name of appointments	Rate of Pay	Amount
3	16 District and Sessions Court Bangalore	5	5	3	16 Subordinate Municipal Court	5	5
				1	Head Clerk	35	35
1	Shiristadar	100	100	1	Dy: do	25	25
1	Head Mutchi	70	70	2	Clerks	20	40
1	Dy do	50	50	3	do	15	45
1	Third do	40	40	1	Apprentice Clerk	10	10
1	Fourth do	25	25	1	Nazir	20	20
1	Fifth do	20	20	1	Orderly	7	7
1	Head Clerk	50	50	1	Gollar	6	6
1	Dy do	30	30	3	Peons	6	18
1	Third do	20	20	1	Sweeper	5	5
1	Asst Nazir	35	35	1	Dy Nazir	20	20
1	Apprentice Clerk	10	10	2	Amins	16	32
1	Mutchi	12	12	5	do	14	70
1	Duftherband	8	8	4	Peons	8	32
1	Duffedar	10	10	14	do	7	98
3	Peons	7	21		Total		463
1	Sweeper	5	5				
1	Darasi	5	5		Sub Judge Court Bangalore		
1	Hd Record Keeper	50	50	1	Mutchi	10	10
2	Asst do	15	30	1	Duffedar	8	8
1	Deputy do	25	25	2	Peons	7	14
2	Duftherbands	10	20	2	do	6	12
1	Lascar	7	7	1	Marabi	5	5
3	Peons	6	18	1	Scavenger	5	5
			661				54
	Central Nazir Bangalore						
1	Central Nazir	50/5/60 275 92	50				
6	Amins	16	96				
14	do	14	196				
13	Peons	8	104				
39	do	7	273				
	Total		719				

P.T.O

Provincial Admiralty Court Banjalme —

1	Register	7	7 . .	✓
1	Collector	6	6 . .	✓
3	Peons	6	18 . .	
1	Surveyor	5	5 . .	
	Total		36 . .	✓

Territorial Admiralty Court, Banjalme

1	Collector	6	6 . .	
1	Register	7	7 . .	
3	Peons	6	18 . .	
1	Surveyor	5	5 . .	
	Total		36 . .	

City Magistrates' Court, Banjalme

1	Officer	8	8 . .	
2	Peons	7	14 . .	
1	— do —	6	6 . .	
1	Lascar	7	7 . .	
1	Mandoli	6	6 . .	
	Total		41 . .	✓

J. Valpy Secretary
asst Comptr

Kolar District

No. of Hands	Name of Appointment		Rate	Amount		Remarks
	1. District Munsiff's Court Kolar					
1	Gollar		6	6	- -	
1	Duffedar		7	7	- -	✓
3	Peons		6	18	- -	✓
1	Sweeper		5	5	- -	✓
4	I. Grade Peons	Process Establt.	8	32	- -	
11	II. do do		7	77	- -	
		Total		145	- -	
	2. District Munsiff's Court - Chickballapur.					
1	Duffedar		7	7	- -	
1	Gollar		6	6	- -	
5	Peons		6	18	- -	
1	Sweeper		5	5	- -	
5	Peons. I Grade	Process Establt.	8	40	- -	✓
14	do II do		7	98	- -	✓
		Total		174	- -	
	3. District Munsiff's Court Kolar Gold Fields.					
1	Gollar		6+2	8	- -	
1	Duffedar		7+2	9	- -	✓
3	Peons		6+2	24	- -	✓
1	Sweeper		5+2	7	- -	✓
1	Peon I Grade		8+2	10	- -	
1	do I do	Process Establt.	8+1	9	- -	✓
5	do II do		7+2	48	- -	✓
2	do do		7+1	16	- -	✓
		Total		128	- -	✓
1	4 Presidency Court Duffedar	Kolar Gold Fields	10+1	11	- -	
4	Peons		8+1	36	- -	
		Total		47	- -	✓

9 Subordinates
Court-Compd

Retrenchment in the Judicial Debt

1/14
08

Statement showing the sale of Rental Estate in the Munsiffs Court at Trinkur and Maddapsie.

Name of the Estate in the Trinkur Munsiffs Court.	Pay	Remarks	Maddapsie Munsiffs Court Estate	Pay	Remarks
Court Estate			Court Estate		
1. Duffedar	7		1 Duffedar	7	
1. Collar	6		1 Collar	6	
3. Peons @ Rs. 6/-	18		3 Peons @ Rs 6/-	18	
1 Sweeper	5		1 Sweeper	5	
	36			36	
Central Nazeeth			Central Nazeeth.		
4. Peons @ Rs. 8/-	32		2 Peons @ Rs 8/-	16	
11. Peons @ Rs. 7/-	77		7 Peons @ Rs. 7/-	49	
	109			65	

1 Duffedar left
with Convicts

Menial — Judicial Establishment of Shimoga Dt.

no	designation	Pay	no	designation	Pay.
	(i) District Sessions Court			(vii) Munsiff Shimoga	
1	Mutchi	12	1	Gollar	6
1	Duffedand	10	1	Duffedar	8
1	—do—	8	1	Peon ——	7
1	Duffedar	10	2	do 6	12
3	Peons @ 7	21	1	Masalchi	5
3	do " 6	18	6	Total	38
1	Lascar	7		(viii) Munsiff Sagar	
1	Musalchi	5	1	Gollar ——	6
1	Sweeper	5	1	Duffedar	9
13	Total —	96	1	Peon —	7
	(ii) Sub-court		2	do @ 6	12
1	Mutchi	10	1	Masalchi	5
1	Duffedar	8	6	Total	39
2	Peons @ 7	14		ix Process-Sagar	
2	" 6	12	5	First-class peons @ 8 —	40
1	Masalchi	5	17	2d. —do @ 7 —	119
1	Sweeper	5	22		159
8	Total	54		Central Nazir	
			10	1st class peons @ 8	80
			25	2d. " " @ 7	175
			35	Total	255

I Asst Engineer

Asst Commr

Kadur district.

No of Incumbents	Name of appointments	Rate of pay	Amount	No of Incumbents	Name of appointments	Rate of pay	Amount
	Sub judge's Court Chickamagalur				Munsiff's Court Kadabgatti Court Establishment		
1	Shirastadar	60	60 - -				
1	Head Munshi	40	40 - -	1	Head Munshi	30	30 - -
1	Deputy Munshi	30	30 - -	1	Deputy Munshi	25	25 - -
2	Do at Rs 25/- each	25	50 - -	1	Deputy Nazir	20	20 - -
4	Do at Rs 20/- each	20	80 - -	1	3rd Munshi	20	20 - -
1	Do	15	15 - -	2	Gumasta	15	30 - -
1	Apprentice clerk	10	10 - -	1	Clerk	15	15 - -
	Total		285 - -	1	Apprentice clerk	10	10 - -
					Total		150 - -
	Court Estt Menials				Court Estt Menials		
1	Mutchi	10	10 - -				
1	Duffedar	8	8 - -	1	Duffedar	9	9 - -
2	Peons at Rs 7/- each	7	14 - -	1	Peon	7	7 - -
2	Peons at Rs 6/- each	6	12 - -	2	Do at Rs 6	6	12 - -
1	Masalchi	5	5 - -	1	Gollar	6	6 - -
1	Sweeper	5	5 - -	1	Musalchi	5	5 - -
	Total		64 - -		Total		39 - -
	Central Nazir Estt				Central Nazir Estt		
1	Deputy Nazir	25	25 - -				
1	Amin, 1st Grade	16	16 - -	1	1 Deputy Nazir	20	20 - -
3	Amins, 2nd Grade	14	42 - -	1	1st Grade Amin	16	16 - -
3	1st class peons	8	24 - -	3	3rd Grade	14	42 - -
9	Peons	7	63 - -	2	1st class peons	8	16 - -
				6	2nd class peons	7	42 - -
	Total		170 - -		Total		136 - -
	Grand Total		509 - -		Grand Total		325 - -

I Satyanarayana
Asst Collector

List showing the sanctioned Establt (Menial) of the Munsiffs Court at Chitaldroog -

Strength	Designation	Rate of Pay	Amount	Remarks
	Munsiffs Court Establishment			
1	Gollar	6 . .	6 . .	
1	Duffedar	7 . .	7 . .	
3	Peons —	6 . .	18 . .	
1	Farashi -	5 . .	5 . .	
	Total		36 . .	
	Process Establishment			
3	Peons —	8 . .	24 . .	
13	— do —	7 . .	91 . .	
	Total Rs		115 . .	

Actg Sheristadar
Asst Commr

Mysore District

120 ~~136~~

No.	Designation	Pay
3	District Court	23 4
1	Mutchi	12
1	Duffadar	10
1	do	8
2	Peons @ Rs 7/-	14
1	Addl Peon	7
3	Peons @ Rs 6/-	18
1	Lascar	7
1	Masalchi	5
1	Sweeper	5
1	Duffedar	10
	Total	96
	City Magistrate Court	
1	Duffedar	8
2	Peons @ Rs 7/-	14
1	do	6
1	Lascar	7
1	Masalchi	6
		41
	Sub Judges Court	
1	Mutchi	10
1	Duffedar	8
2	Peons @ Rs 7/-	14
2	do 6/-	12
1	Masalchi	5
1	Sweeper	5
	Total	54
	Principal Munsiffs Court	7
1	Duffedar	7
1	Collar	6
3	Peons @ Rs 6/-	18
	Sweeper	5
	Total	36

No.	Designation	Pay
3	Seringapatam Munsiffs Court	23 4
1	Duffedar	7
1	Collar	6
3	Peons at Rs 6/-	18
1	Sweeper	5
	Total	36
	Addl Munsiffs Court	
1	Collar	6
1	Duffedar	7
3	Peons @ 6/-	18
1	Sweeper	5
	Total	36
	Nanjangode Munsiffs Court	
1	Duffedar	7
1	Collar	6
3	Peons @ 6/-	18
1	Masalchi	5
	Total	36
	Seringapatam Munsiffs Court	
	Process &c.	
9	Peons at Rs 8/-	72
29	do 7/-	203
	Total	275
	Nanjangode Munsiffs Court	
7	Peons @ Rs 8/-	56
15	do 7/-	105
	Total	161

Deputy Registrar
Asst Comptr

Hassan District 11 137

No.	Designation	Rate	Total	No.	Designation	Rate	Total
	19 3 5			3	19 3 5		
	Sub Judges Court Hassan				Munsiff's Court Belur Kumpur		
	Clerical Establt						
1	Shirastadar	60	60 - -		Menial Establt		
1	Head Mmurki	40	40 - -	1	Gol Kar	6	6 - -
1	2d. Mmurki	30	30 - -	1	Duffedar	7	7 - -
2	Mmurki	25	50 - -	3	Peons	6	18 - -
5	do	20	100 - -	1	Sweeper	5	5 - -
1	do	15	15 - -				36 - -
1	Apprentice	10	10 - -				
			305 - -		Process Establt		
	Menial Establt			4	Peons	8	32 - -
1	Mukehi	10	10 - -	12	do	7	84 - -
1	Duffedar	8	8 - -				
2	Peons	7	14 - -		Total		116 - -
2	do	6	12 - -				
1	Masalchi	5	5 - -				
1	Sweeper	5	5 - -				
			54 - -				
	Process Establt						
1	2d. Nazir	25	25 - -				
2	Amins	16	32 - -				
4	do	14	56 - -				
6	Peons	8	48 - -				
18	do	7	126 - -				
	Total		287 - -				

Taluq Sheristadar
Circle Inspr.

P L ~~406~~

Cts. 103-06-5

Office of the Comptroller, Mysore Govt.

Dated, Bangalore, the 4th Jan. 1907.

No 3734/858

From

The Comptroller,

Mysore Government.

To

K. S. Chandrasekhara Iyer Esqr., B.A., B.L.,

The Secretary to the Govt. of Mysore,

General & Revenue Department

Sir,

With reference to para 7 of Govt. Proceedings No J 1400-1406/Cts. 103-06-3 dated the 27th November 1906, I have the honour to request that you will be so good as to inform me of the date with effect from which the menial establishments referred to therein are to be dispensed with.

I further request that the order of Government referred to above may be confirmed in the Financial Department.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd) M. N. Krishna Rao,

For Comptroller.

123 140

Proceedings of the Govt.
of H. H. the Maharaja of Mysore.
(Financial, dated 17th January 1907)

Read —

G. O. No. J 1400-06/Cts. 103-06-3 dated the 27th November 1906, ordering certain retrenchments in the establishments of the Judicial Department of the State.

2. Letter No. 3734/858, dated the 4th January 1907, from the Comptroller, requesting confirmation of the order in the Financial Department and enquiring the date with effect from which the menial establishments referred to in the above order are to be dispensed with.

No. Fl. 5481-2/Gl. Fin. 209-06-2
Dated Bangalore, 17th January 1907.

Order thereon — Confirmed.

2. The reduction in the menial establishments of Courts ordered in the proceedings read above will have effect from the 1st July 1907 along with the other retrenchments in the judicial establishments.

Sd) K. S. Chandrasekhara Iyer,
Secy. to Govt., Gen. & Rev. Depts.

To
The Comptroller,
& " Registrar, Chief Court.